

The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

Shoreham Town Clerk

JOURNALS

OF THE

ADJOURNED SESSION

OF THE

LEGISLATURE

OF THE

STATE OF VERMONT,

BEGUN AND HOLDEN AT

WINDSOR,

ON THE TWENTY-SIXTH DAY OF JANUARY, ONE
THOUSAND EIGHT HUNDRED AND FOUR.

PUBLISHED BY ORDER OF THE LEGISLATURE.

Windsor :

PRINTED BY ALDEN SPOONER.

1804

J87

V5

18048

OFFICE

2. 4852

15

JOURNAL, &c.

THURSDAY, JANUARY 26, 1804.

9 O'CLOCK, A. M.

THE house having convened, and the roll being called, the following members answered to their names, viz.

BENNINGTON COUNTY.

Jonathan Baker, Reuben Bigelow, John Shumway, Robert Anderson, David Sheldon, Elijah Bayley, Jacob Galusha, Richard Hurd, Jacob Hale, Daniel Tuthill.

WINDHAM COUNTY.

James Shafter, Lemuel Whitney, Samuel Porter, John Noyes, Darius Bullock, Sylvester Bishop, Ebenezer Allen, Daniel Jewett, Ephraim Wheelock, Arad Hunt, Abner Perry, James Roberts, Timothy Castle.

RUTLAND COUNTY.

Reuben Nash, John Cowee, Edward Vail, Oliver Church, John Anderson, Nathaniel Wood, jun. Jedediah Hammond, Plinny Smith, John Sergeant, Caleb Hende, junior, Timothy Cruttenden, Timothy Miller, William Marsh, Lent Ives, Simon Francis.

WINDSOR COUNTY.

Nehemiah Noble, Benjamin Clap, Phineas Williams, Aaron Leland, James Smith, Elibu Luce, William Perry, David Lewis, Asa Briggs, Jo-

seph Perry, Elias Stevens, Enoch Emmerson, Elias Jones, Lewis R. Morris, Alden Spooner, Benjamin Emmons, Nathaniel Stoughton, Alvin Simons, Norman Webber.

ADDISON COUNTY.

Gideon Seger, Phinehas Kitchel, Robert Hawley, David Foot, Henry Olin, Ebenezer Durfey, Elisha Fuller, John S. Larrabee, Reuben Sexton, John Ferguson, Silas Wright, David Brown.

ORANGE COUNTY.

Andrew B. Peters, James Fisk, Eleazer Hubbard, junior, Josiah Dana, Samuel Hazletine, Joshua Bayley, John Stacy, Asahel Chamberlin, Elijah Hammond, Seth Paine, H. E. G. M'Laughlin, Thomas Porter, Jonathan Fisk, Daniel Peaslee, Nathaniel Wheatley.

CHITTENDEN COUNTY.

Thaddeus Tuttle, Jabez Jones, Samuel Rich, Ebenezer Corse, Timothy Bliss, Nathan Leavenworth, junior, James A. Potter, Seth Putnam, Wright Spaulding, Joel Brownson, Joshua Isham, Timothy Allen, Nathan Robinson, Udney Hay, Giles Chittenden, Ezra Butler.

CALEDONIA COUNTY.

Gershom Palmer, Samuel Chamberlin, Joseph Woodworth, Reuben Blanchard, Bradford Kenney, John Cameron, Nathaniel Edson, Joseph Armington, Nathaniel Farrington.

FRANKLIN COUNTY.

Elisha Reynolds, Elias Fassett, Joseph Beeman,

junior, Hubbard Barlow, Benjamin Holmes, Samuel Peckham, Samuel Eaton, junior, Nathaniel Hutchins, junior, Seth Emmons.

ORLEANS COUNTY.

Timothy Hinman, Thomas H. Parker, Timothy Stanley, Stephen Underhill, Jesse Olds.

ESSEX COUNTY.

Samuel Wetherbee, Joseph Herrick, Mills de Forest and Gaius Kibbey.

It appeared that there was a quorum present, and the house proceeded to business.

Mr. Alexander Harvey produced his credentials as member from Barnet, and Elisha Thayer, as member from Fairlee; which being read, the gentlemen were duly qualified and took their seats.

On motion,

Resolved, That a committee of three be appointed to take up the unfinished business of the last session, and make report on the state thereof to the house. Members chosen, Messrs. Shaw, Ilham and Sheldon.

On motion,

Resolved, That Mr. Morris be requested to wait on his excellency the governor, and the honorable council, to inform them that the house having formed a quorum, had proceeded to business, and were ready to receive communications.

Mr. Witherell appeared in the house from council and informed, that the council had convened and formed a quorum.

On motion,

Resolved, That the house proceed to the choice of a Chaplain for the present session.

The house proceeded accordingly, and Mr. Sidney Willard being duly elected ; on motion,

Resolved, That Mr. Olds be requested to wait on Mr. Willard, in behalf of the house, and inform him of his election.

The speaker presented to the house an answer to their address to the President of the United States, which had been transmitted to him ; which being read, on motion,

Resolved, That it be entered at length upon the journals of the house : and was as follows :

To the General Assembly of the state of Vermont.

I join you, fellow citizens, in grateful acknowledgments to the Ruler of the universe, for the prosperous situation of our common country, its rapid increase in wealth and population, and our secure and uninterrupted enjoyment of life, liberty and property.—He conducted our fathers to this chosen land, he has maintained us in it in prosperity and safety, and has opened the hearts of the nations, civilized and savage, to yield to us enlargement of territory, as we have increased in numbers ; to fill it with the blessings of peace, freedom and self government. It must be a great solace to every virtuous mind, that the countries lately acquired are for equivalents honestly paid, and come to us unstained with blood.

Sensible as we are of the superior advantages of civilized life, of the nourishment which industry provides for the body, and science for the mind and morals, it is our duty to associate our Indian neighbors in these blessings, and to teach them to become fit members of organized society.

The spirit which manifested itself on the suspension of our rights of deposit at New-Orleans, the cool and collected firmness with which our citizens awaited the operations of their government, for its peaceable restoration, their present approbation of a conduct strictly neutral and just between the powers of Europe now in contention, evince dispositions which ought to secure their peace, to protect their industry from new burthens, their citizens from violence, and their commerce from spoliation.

The falsehoods and indecencies you allude to, in which certain presses indulge themselves habitually, defeat their own object before a just and enlightened public. This unenviable and only resource, be it our endeavor to leave them, by an honest and earnest pursuit of the public prosperity.

I thank you, fellow citizens, for the affectionate expressions of your concern for my happiness, present and future ; and I pray heaven to have yourselves, as well as our common country, in its holy keeping.

THOMAS JEFFERSON.

December 18th, 1803.

A petition of Seth Pomroy and others, was read and referred to Messrs. Sargeant, T. Porter & Shaw.

A petition of Lemuel Standish, was read and committed to Messrs. S. Porter, Nash and Paine.

Mr. Olin, on motion, introduced a bill entitled an act in addition to an act, entitled an act regulating town meetings and the choice and duty of town officers. Which was read and ordered to lie on the table.

A petition of Messrs. Doud, Reed and other officers of the militia, was read and referred to Messrs. Hendee, P. Smith and Morris.

On motion,

Resolved, That a committee of three be appointed to take into consideration the act respecting packing beef and pork, and to report to the house by bill or otherwise, such alterations, if any, as they may deem necessary.

Members chosen, Messrs. Baker, D. Sheldon and Flagg.

The petition of Jonathan Parker and others, remonstrating against the act for the payment of a sum of money to Asa Smith, was read and ordered to lie on the table.

The petition of the select men of Castleton, and others, was read and referred to Messrs. Harvey, Blanchard and S. Chamberlin.

The house adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

THE house met according to adjournment.

The petition of John Shumway and others, praying to be incorporated into a body politic, for the purpose of erecting a grammar school in Manchester, in the county of Bennington, was read and referred to Messrs. Olin, W. Marsh and Isham.

The petition of Deborah Stone, stating her ill usage by Ichiel Stone, and praying for a new trial, for reasons specified, was read and ordered to lie on the table.

The committee appointed to take up the unfinished business of the last session, reported a list of

the petitions, bills, &c. on the clerk's files, &c. with their opinion that the business generally ought to be referred to the stated session, unless called up by order of the house.—Which report was read and ordered to lie on the table.

A petition of the select men of Washington, praying for the ratifying of their proceedings, by an act of legislature, relative to the organization of said town, was read and referred to Messrs. Hinman, Hay, and Staunton.

On motion,

Resolved, That a committee of three members be appointed to take into consideration an act to authorize the supreme court to empower guardians to sell the real estate of their wards. Members chosen, Messrs. Morris, S. Porter and Hay.

The petition of Polly Butts, was read and referred to the same committee.

A petition of James Fitch and others, stating, that it is necessary, the better to accommodate the public, that some alteration be made in the road leading from Rockingham meetinghouse, through the west parish of Westminster to Putney, and the same not being a county road, praying that a committee may be appointed to lay and establish a county road from the meeting house in Westminster, to intersect the river or county road in Putney or Dumerston, as the committee may deem most proper; was read, and on motion,

Resolved, That it be referred to the next session of the general assembly.

The following communication from his excellency the governor, was sent to the house, viz.

Windsor, January 26th, 1804.
Hon. the Speaker of the house of representatives.

Sir,

I have received from the President of the United States, a copy of an article of amendment proposed by congress to be added to the constitution of the United States, respecting the election of President and Vice-President, which I now enclose. It is my duty to request that you immediately submit this to the consideration of the house of representatives, that it may receive the early and deliberate attention of that honorable body.

With due consideration and respect,

I am your humble servant,

ISAAC TICHENOR.

Eighth Congress of the United States, at the first session, begun and held at the city of Washington, in the territory of Columbia, on Monday the 17th of October, one thousand eight hundred and three.

Resolved, By the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed, as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, viz.

The electors shall meet in their respective states, and vote by ballot, for President and Vice-Presi-

dent, one of whom, at least, shall not be an inhabitant of the same state with themselves, they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the senate: the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the house of representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary for a choice. And if the house of representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability of the President.

The person having the greatest number of votes

as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the Vice-President ; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

*Attest, JOHN BECKLEY, Clerk to the
House of Representatives of the United States.*

*SAML. A. OTIS, Secretary of the
Senate of the United States.*

Which being read—On motion,

Resolved, That it be made the order of the day to-morrow morning.

A letter from Mr. JAMES ELLIOT, representative in congress from the state of Vermont, according to the request of Mr. Elliot, was presented to the house, read, and ordered to lie on the table.

A bill entitled an act reviving an act entitled an act laying a tax on Williston, was brought in by Mr. Tuttle, by leave of the house, read, and ordered to lie on the table.

The committee to whom was referred the bill entitled an act in addition to an act, entitled an act regulating town meetings and the choice and duty of town officers, made report thereon ; which was read and accepted, and the bill ordered to lie on the table.

The petition of Sarah Wickham and Elisha Colt,

administrators on the estate of William Wickham, late of Hartford, in Connecticut, stating, that the said William Wickham at the time of his decease, was the owner of a right of land in the township of Caldersburgh, in Vermont, and that the division of Caldersburgh into two towns, has divided the interest into the said two towns, and subjected them to additional difficulty. That said Wickham has left several infant heirs, so that under the existing laws of Vermont, no sale of the property can be legally made under twenty years ; therefore praying for an act to enable them to dispose of said property for the advantage of the said heirs ; was read, and on motion, referred to the committee on the act authorizing the supreme court to empower guardians to sell the real estate of their wards.

A petition for a turnpike road from White-River to Ticonderoga ; was read and referred to Messrs. Cruttenden, Stevens and Luce.

A petition of Caleb Churchill and Ephraim W. Busbe, for a tax on Philadelphia, was read and referred to the committee last appointed.

An act appointing a committee to fix on a permanent seat for the legislature, was returned from council, with a proposition as follows, viz.

In Council, January 26th, 1804.

Read and *Resolved*, That it be recommended to the general assembly to reter the consideration of this bill to the next general assembly ; and that Mr. Niles be directed to communicate the reasons to the house.

Which business Mr. Niles having performed, he withdrew ; and the house on motion,

Resolved, That the assembly concur with the re-

commendation from council, and the bill was referred accordingly.

A petition of Samuel Herrick and others, was read and referred to the members of Rutland county, to join with such committee as council may appoint.

A bill entitled an act assessing a tax on the county of Essex, was returned from council concurred and passed into a law.

A bill brought in by Mr. Thaddeus Tuttle, by leave of the house, entitled an act reviving an act laying a tax on Williston, was read and ordered to lie on the table.

The house adjourned.

FRIDAY, JANUARY 27th, 1804.

9 O'CLOCK, A. M.

The house convened according to adjournment.

The journals of yesterday were read.

The petition of John M'Neil, praying for the exclusive right of a ferry from Charlotte, across Lake Champlain, was read and ordered to lie on the table.

The petition of Lemuel Brooks and others, was read and referred to the members of Caledonia county.

The petition of Nathaniel Davis and others, was read and referred to the same committee.

The petition of Joseph Ackley vs. Timothy Lovell, was read and referred to Messrs. Hunt, Sol. Wright, and J. Fisk.

The petition of Jacob Stanley, praying release from a debt incurred by his entering a recognizance

in behalf of the wife of Luke Miner, was read and referred to Messrs. Butler, Shumway and Olds, to join with council.

The petition of Samuel Chamberlin was read and referred to Messrs. Aikin, J. Dana, and Ives.

The petition of Jonathan Brewster and others, stating that themselves and others, industrious merchants, mechanics, and inhabitants of their vicinity, have many small debts due to them, from citizens residing in different parts of this state—which debts, though diminutive when singly considered, when combined amount to more than they are able or willing to sacrifice : that many of those debtors shielding themselves under the operation of what is vulgarly called the little act, which prohibits the recovery of more cost than debt or damages, in civil actions, before single magistrates, have and still do refuse to pay said debts.—Therefore praying for the repeal of the aforesaid little act, and a restoration of their right of recovering their just debts, due from such refractory debtors, or provision to be made for the payment of the same from the public chest, or such other relief as the General Assembly may see meet : was read, and

On motion, *Resolved*, That the consideration of said petition be referred to the next session of the general assembly.

Mr. Page, secretary to the governor and council, appeared in the house, and laid the following resolution on the Clerk's table.

IN COUNCIL, JAN. 26, 1804.

Resolved, That the House of Representatives be requested to furnish the Governor and Council with the copy of the amendment to certain articles of the

constitution of the United States, as proposed by Congress at their present session, together with a copy of the official communications from his Excellency the Governor on that subject.

A true copy from the journal of the council.

Attest, WILLIAM PAGE, JUN. Sec'y.

Which was read, and the copies requested immediately furnished by the clerk.

The order of the day being called for, the house went into committee of the whole, Mr. Leland in the chair, on the resolution from congress, proposing an amendment in the constitution of the United States.

Mr. Olin introduced the following motion,

Whereas the amendment to the constitution of the United States, now before this house, was passed in the house of representatives of the United States, only by eighty four members in the affirmative, and in the senate by only twenty two members, when in fact the constitutional majority must be two thirds of all the members of each house : Therefore,

Resolved, That the said amendment is not constitutionally before the house, and ought not to be acted on.

After some time spent on the resolution, the committee rose, without coming to any decision, reported progress, and begged leave to sit again, which request was granted by the house.

And then they adjourned.

2 O'CLOCK, P. M.

THE house met according to adjournment.

A petition of Joshua Hyde and others, praying for a grant of a turnpike road from Salisbury, in the county of Addison, to Brandon, in the county of Rutland, was read, and on motion,

Resolved, That it be referred to the next session of the general assembly.

A petition of Samuel Hitchcock and others, praying for the grant of a turnpike, on a new road from Middlebury to Vergennes, was read, and on motion,

Resolved, That it be referred to the next session of the general assembly.

A bill entitled an act appointing a new collector of a tax on Montgomery, brought in on motion by Mr. J. Clap, was read and ordered to lie on the table.

A petition of the listers of the town of Timmouth, was read and referred to the committee on the petition of Lemuel Standish.

The order of the day being called for on the resolution introduced by Mr. Olin, the house went into committee of the whole, Mr. Leland in the chair ; and after lengthy discussion, the committee rose, and the speaker having resumed the chair, the chairman of the committee reported to the house, that the committee had decided against the resolution.

The question was then put, will the house accept the report of their committee of the whole ? and it passed in the affirmative.

A bill entitled an act to compel the managers of the Green Mountain Road Lottery, to draw the

fame, or otherwise compensate the owners of tickets, was returned from council non-concurred, with the reasons of council assigned in writing ; which were read and the bill ordered to lie on the table.

A bill entitled an act declaring the assent of this state to a certain article of amendment to the constitution of the United States, was received from council, having been passed by them, and to which they requested the concurrence of the house.

Which being read, *Ordered*, That it lie on the table. And then the house adjourned.

SATURDAY, JANUARY 28, 1804.

9 O'CLOCK, A. M.

THE house met pursuant to adjournment.

The journals of the preceding day being read,

The committee to whom was referred the petition of Seth Pomeroy and others, praying to be incorporated into a society by the name of the third medical society in Vermont ;—made report in favor of the prayer thereof, which was read and accepted, and leave granted to the petitioners to bring in a bill.

Mr. Olin, with leave, introduced the following motion :

Resolved. That a committee of three be appointed to enquire into the reasons, if any, why the balances of taxes due this state from the town of Westminster; the collection of which was suspended by resolution of this house, in October 1800, should not be collected.

Which was read and referred to Messrs. Olin, Spooner and E. Allen.

A petition of Alexander Young, of the city of Québec, in Lower Canada, praying for a law to enable him to hold or convey landed property in Vermont, was read and referred to Messrs. Hay, Painter and Olin.

An act regulating town meetings, and the choice and duty of town officers, was read a second time, passed, and ordered to be engrossed, and sent to the governor and council, for revision and concurrence or proposals of amendment.

A petition from Vershire, praying for the establishment of their town lines ;

A petition from the town of Corinth, praying to be confirmed in their ancient privileges and jurisdiction ; and

A remonstrance against the petition of Vershire, were severally read, and referred to a committee of five, to join with council.

Members chosen—Messrs. Painter, Kitchel, Larabee, Solomon Wright, and Galusha.

The petition of Roger Williams was read and referred to Messrs. Leland, Butler and Baker, to join with council.

The bill entitled an act declaring the assent of this state to a certain article of amendment to the constitution of the United States, was called up.

On motion, the house went into committee of the whole on the bill—Mr. Leland in the chair.

After some time spent in debate, the committee rose, reported progress, and asked leave to sit again, which was granted.

And then the house adjourned.

2 O'CLOCK, P. M.

THE house convened agreeably to adjournment.

A bill entitled an act appointing a new collector of a land tax on Montgomery, was read a second time, passed, and ordered to be engrossed, and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act directing listers in their office and duty, which bill was referred from the last session, was called up and referred to Messrs. Shumway, Cameron, and N. Robinson of Bennington.

A petition from Franklin, Robinson & Co. and William Tournay, was read, and on motion,

Ordered, That the petitioners have leave to withdraw their petition.

The committee to whom was referred the petition of Alexander Young, stating, that in the year 1799 John Frazier of Ferrisburgh, Vermont, was indebted to his, the petitioner's brother, John Young, and alien and subject of his Britannic Majesty, of the city of Quebec, who, in payment of said debt, took deeds of land from the said John Frazier, the title to which lands he has since conveyed to the petitioner, who is likewise an alien, and consequently cannot by the law of nations hold the said land, but by special act of the legislature; and therefore praying relief in the premises: made report, that they find the facts therein stated to be true, and that the petitioners ought to have relief, and begged leave to report a bill for that purpose. Which report was read and accepted. Whereupon,

A bill entitled an act for the relief of Alexander Young, was read and ordered to lie on the table.

Mr. T. Tuttle, on motion, introduced a bill en-

titled an act empowering Wm. C. Harrington, esq. administrator on the estate of William Coit, late of Burlington, deceased, to release and convey certain lands therein mentioned; which was read and referred to the committee on the bill entitled an act to authorize the supreme court to empower guardians to sell the real estate of their wards.

The order of the day being called for, the house went into committee of the whole, on the bill ratifying the amendments of the constitution of the United States, proposed by congress.

After considerable time spent in discussion of the business, the committee rose, reported progress, and asked leave to sit again.

Which request was acceded to, and then the house adjourned until Monday morning.

MONDAY, JANUARY 30, 1804.

9 O'CLOCK, A. M.

THE house met pursuant to adjournment.

The journals of Saturday were read.

The bill entitled an act for the relief of Alexander Young—and

The bill entitled an act reviving an act laying a tax on Williston, were severally read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence or proposals of amendment.

The petition of Joel Frost, which was referred from the last session, was called up, read, and referred to the next session of the general assembly.

The petition of the select men of Windham, was read and referred to Messrs. Stevens, Shaw & Paine.

A petition of the inhabitants of Bromley was read and referred to the committee appointed at the October session.

A petition of Nathaniel Callendar was read and referred to Messrs. W. Perry, M'Cumber and Holmes, to join with council.

A petition of John M'Neil was read, and the petition of Charles M'Neil, presented to the assembly at their last session, with the act predicated thereon, together with the said petition of John M'Neil, were referred to Messrs. John Shumway, Crutten- den, Spooner, Isham and Brigham, to join such committee as council may appoint.

A petition of Franklin, Robinson and Co. and William Tournay, was read and referred to Messrs. B. Emmons, Hunt, Butler, Harvey and Hendee, to join such committee as council may appoint.

A petition from the town of Orange, for a land tax, was read and referred to Messrs. Brownson, Hinman and Wood.

The order of the day being called for, on the bill from council, for ratifying the proposed amendments to the constitution of the United States, the house went into committee of the whole, Mr. Leland in the chair—and after spending some time in debate, the committee rose, reported progress, and begged leave to sit again : which was granted.

And then the house adjourned.

2 O'CLOCK, P. M.

THE house met pursuant to adjournment.
The order of the day being called for, the house

went into committee of the whole.—Mr. Leland in the chair.

The debate on the question was resumed, when the question was called for, and put, Will the committee recommend to the house to pass the bill ratifying the amendments to the constitution of the United States as proposed by Congress? And it passed in the affirmative.

The committee then rose, and the speaker having resumed the chair, the chairman of the committee of the whole reported to the house the vote of concurrence, as passed in committee of the whole.

The question was then put, Will the house accept the report of the committee? and the yeas and nays being demanded, those who voted in the affirmative were;

Messrs. Robert Anderson, John Anderson, Aiken, Armington, Z. Allen, T. Allen, Briggs, Joshua Bayley, Bliss, Brownson, Butler, Brigham, Beeman, Brown, Church, Cruttenden, B. Clapp, A. Chamberlin, Chittenden, Cameron, Durfey, S. Emmons, Finney, Flagg, Francis, Foot, Fuller, James Fisk, Jonathan Fisk, Thayer, Farrington, Fassett, French, Galusha, Graves, H. Goodrich, Hale, J. Hammond, Hendee, Hawley, Hubbard, Hay, Holmes, Ives, Jewett, E. Jones, J. Jones, Kitchel, Kinney, Leland, Luce, Larabee, Lewis, T. Miller, Wm. Marsh, M'Laughlin, Noyes, Nash, Noble, Wm. Perry, J. Perry, Pond, T. Porter, Peasley, Potter, Palmer, Peckham, N. Robinson, Bennington, Reynolds, Shumway, D. Sheldon, Shaw, P. Smith, Sargeant, J. Smith, Spooner, Segar, Stacy, Scott, Stanley, Staunton, Tarbox, Vail, Wood, Silas Wright, Wheatley,

Woodworth, Webber, I Fisk, Ranny, Roberts, A. Robinson, N. Robinson, of Stow.

NAYS—Messrs. E. Allen, J. Allen, Baker, Bigelow, Bullock, Bishop, Blanchard, Barnard, Beach, Castle, Cowee, Corle, S. Chamberlin, J. Clap, J. Dana, De Forrest, Edson, Eaton, Ferguson, Fisher, Harvey, Hurd, Hunt, Hazletine, E. Hammond, House, Hutchins, Hinman, Herrick, Isham, Janes, Kibbey, Leavenworth, Muzzy, Morris, J. Marsh, M'Cumber, Olin, Olds, S. Porter, A. Perry, Paine, Painter, Peters, Putnam, Phelps, T. H. Parker, R. Parker, Rich, Spencer, Shafter, Sabin, Stevens, Stoughton, Simonds, Sexton, Spaulding, T. Tuttle, Taylor, D. Tuthill, Solomon Wright, Whitney, Wheeler, Wheelock.

So it passed in the affirmative, yeas 93, nays 64.

The question being then put, Will the house concur with council in the passage of the bill, it passed in the affirmative. The house adjourned.

TUESDAY, JANUARY 31, 1804.

9 O'CLOCK, A. M.

THE house met pursuant to adjournment.

The petition of General N. Leavenworth and others, praying for the formation of a regiment of horse, was read and referred to the committee on the petition of General D. Reed and others.

The petition of William Briant, praying for release from imprisonment, was read and referred to Messrs. Olin, Whitney and B. Emmons.

Mr. Nathan Robinson, of Bennington, requested and obtained leave of absence.

Mr. Sabin applied for and obtained leave of absence.

A bill entitled an act allowing defendants on prosecution for libels, to plead the truth, &c. was sent down from council non-concurred, with certain reasons assigned for their non-concurrence, from which the house dissented, and Mr. James Fisk was requested to wait on the governor and council, and inform them of the reasons of the non-concurrence of the house.

A petition for the grant of a land tax on West-Fairlee, was read and referred to Messrs. J. Clap, Spooner and J. Anderson.

A bill entitled an act altering the name of Bromley to Peru, was read and ordered to lie on the table.

On motion the following resolution was brought forward, viz.

In General Assembly, January 31st, 1804.

Resolved, That a committee of three be appointed to enquire into the state of the treasury, and if there be not money in the treasury sufficient to defray the expence of the present session to report by bill or otherwise, some mode for defraying the same.

Which was read and passed into a resolution of the house, and referred to Messrs. Graves, Dana and Leland.

The committee to whom was referred the resolution respecting the taxes due from Westminster, made report as follows :

In General Assembly, Jan. 30, 1804.

Resolved, That immediately after the rising of the next session of the legislature, the treasurer of this state do proceed to collect of the town of Westminster, the balance of state taxes due the state, the col-

lection of which was suspended, by a resolution of this house, in October 1800.

Which report was read and ordered to lie.

A petition for a land tax on the town of Groton, was read and referred to Messrs. J. Clap, Spooner, and J. Anderson.

A bill entitled an act to compel the managers of the Green Mountain road lottery to draw the same, or otherwise to compensate the purchasers of tickets, was read, and the further consideration of it deferred until the afternoon.

A bill relating to coopers, and the making and vending of casks, was read and referred to the committee on the act respecting the packing of pork and beef, to join a committee of last session on the act respecting boards and shingles.

A bill entitled an act in addition to an act regulating town meetings, and the choice and duty of town officers, was read and referred to Mr. B. Emmons.

A bill brought in by Mr. Morris, entitled an act remitting a sum of money to the town of Weathersfield, was read and committed to Messrs. S. Porter, Nash and Paine.

A bill entitled an act authorizing the governor of this state to complete the charter of Montpelier, was read and referred to Messieurs Shumway, Paine and Spooner.

A petition from Wolcott, one do. from Danville, one from Walden, one do. from Hardwick, one from S. Waterman and others, inhabitants of Johnson, one from Hydespark, and one from St. Johnsbury, were respectively referred to Messrs. Hinman, Olds, R. Parker, Stevens and Potter, to join such committee as council may appoint.

The petition of Azarias Williams and others, for the grant of a lottery, was read and referred to Messieurs D. Sheldon, Flagg and Nash.

Mr. J. Hammond, with leave, introduced a bill entitled an act appointing a new member of a committee to superintend the collection and expenditure of a land tax on Mount-Holly ; which was read and ordered to lie on the table.

A petition from Pomfret and Hartford was read and referred to Messrs. Bullock, E. Allen and A. Perry.

A petition for a turnpike road from Newbury to Peacham, was read and referred to a committee of five, to join with council.

Members chosen, Messieurs Hendee, Shafter, Joel Marsh, T. H. Parker, and D. Tuthill.

A bill entitled an act to enable the committee appointed to superintend the expenditure of a tax of six cents upon the acre, on the lands in the town of St. George, to lay out certain roads, was read and committed to Messrs. Olds, Isham and Muzzy.

A bill entitled an act appointing a committee to receive proposals for a work house, was sent down from council with certain proposals of amendment, which being concurred in by the house, the bill became a law.

A petition for a turnpike road from Newbury to Danville, was read and referred to the committee on the petition of the inhabitants of Peacham.

A bill entitled an act incorporating certain persons as a mecibal society, was read and ordered to lie on the table.

A petition from the inhabitants of Morristown

was read and referred to Messrs. Deforest, Williams, and T. Porter.

The petition of David Smith was read and referred to Messieurs Wheelock, Z. Allen, and Ja's Fisk.

Mr. N. Robinson of Bennington having obtained leave of absence for the remainder of the session, voted, that Mr. Wood be appointed in his place, on the bill entitled an act directing listers in their office and duty. The house adjourned.

2 O'CLOCK, P. M.

THE house met pursuant to adjournment.

A petition for a turnpike road from Wells-River to Canada line, was read and referred to the committee appointed on the petition for a turnpike road from Newbury to Peacham.

The petition of Deborah Stone, was called up, read and referred to Messrs. T. Tuttle, Whitney and Hay.

Mr. Wood introduced a motion as follows, viz.
Whereas the Legislature since their election have had one session of more than common length before the present, and whereas the important business destined for discussion at the adjourned session, has already been acted on, and economy and public opinion calling loudly for a short session : Therefore—

Resolved, The governor and council concurring therein, that the governor and council meet the house of representatives in the representatives room, on the second day of February next, at two o'clock P. M. for the purpose of adjourning the two houses of the Legislature without day.

Which was read and ordered to lie on the table.

On motion,

Resolved. That a committee of three be appointed to enquire into and report on business depending before and necessary to be finished at the present session of the assembly. Members chosen, Messrs. Shaw, James Fisk and Olin.

A bill entitled an act, in addition to an act laying a tax of four cents per acre on the town of Jamaica, was read and ordered to lie on the table.

The petition of Sherman Dewey, was read and referred to Messrs. B. Emmons, J. Smith and Tarbox.

A bill entitled an act establishing a bank at Burlington, which was referred from the last session, was called up, and on motion referred to Messrs. Olin, B. Emmons, James Fisk, Hay and Whitney, to join such committee as council may please to appoint.

On motion,

Resolved, That Mr. Hay be dismissed from further attention to the business of the committee on the petition of Ackley vs. Lovell, and that Mr. Solomon Wright be appointed in his room.

A bill entitled an act establishing a bank at Windsor, which was referred from the last session, being called up, was referred to the committee appointed on the bill for establishing a bank at Burlington.

The petition of Jacob Bates was read and referred to Messrs. Janes, Miller and Armington.

On motion,

Resolved, That Mr. Aikin be added to the committee on the petition of Samuel Chamberlin, in the room of Mr. N. Robinson of Bennington, absent by leave.

A bill entitled an act for the relief of Alexander Young, was returned from council concurred, with certain proposals of amendment, which being concurred in by the house, the bill became a law.

A bill entitled an act in addition to an act, entitled an act regulating town meetings, and the choice and duty of town officers, was returned from council concurred, and passed into a law.

A petition for a turnpike road from Montpelier to Burlington, referred from the last session of assembly, was called up, and on motion referred to the committee on the petition for Peacham turnpike.

Mr. Hay's resolution, referred from the last session, was called up and read as follows, viz,

Resolved, That a committee of five be appointed for the purpose of examining the 18th article of the bill of rights, the 6th and 26th articles of the constitution of this state, and report their opinion to this house, whether it would be proper to add the following, or something similar thereto, as an addition rule to the rules of this house.

Whenever any person, a member of this house, shall be appointed to any office, which by the 26th article of the constitution of this state, after the acceptance of the said office, and taking the necessary oaths would disqualify him from being a member of this house, such member, if he shall still retain his seat therein, shall upon the application of any other member, at any time after hours have elapsed, after his appointment, be desired to inform this house whether he does accept the office to which he has been appointed, and his answer shall be entered on the journals of this house.

Which being read, on motion, Messrs. Bliss, Hay, Hawley, Morris and T. Tuttle were appointed a committee thereon.

A bill entitled an act incorporating certain persons therein mentioned by the name of the Franklin county turnpike company, for the term of thirty five years, from the time of completing said road, was received from council, with recommendation to the house to refer the further consideration thereof to the next session of the legislature : which recommendation being concurred in by the house, the bill was accordingly referred.

A bill entitled an act granting relief to Abel Spencer and James Claghorn, was returned from council concurred, with certain proposals of amendment, which being concurred in by the house, the bill passed into a law.

A bill entitled an act to empower the widow Ann Taylor to sell and convey lands, was received from council concurred, and passed into a law.

A bill entitled an act enabling the inhabitants of Burke to ratify their former proceedings, was returned from council concurred, and passed into a law.

A bill entitled an act, in addition to and revival of an act, entitled an act assessing a tax of two cents per acre on the town of Westford, passed October 26th, 1799, was received from council non-concurred, and referred to Messrs Rich, Brigham and Isham.

A bill entitled an act appointing a committee to lay out and survey a public county road through Clarendon, Tinmouth, Danby and Dorset, was returned from council concurred, with certain pro-

posals of amendment ; which being concurred in by the house the bill passed into a law.

A bill entitled an act appointing a new collector on Deweysburgh, was read and ordered to lie on the table.

A bill entitled an act remitting a sum of money to the town of Tinmouth, was read and ordered to lie.

The committee to whom was referred the resolution directing an enquiry into the state of the treasury, with directions to report by bill or otherwise, some mode of defraying the expences of the present session, in case there was not sufficient money in the treasury, reported a bill embracing the object of their appointment, which was read and ordered to lie on the table.

The committee to whom was referred the petition of the listers of Weathersfield, reported in favor of the prayer thereof, with leave to bring in a bill. Whereupon,

A bill entitled an act remitting a sum of money to the town of Weathersfield, was read and ordered to lie on the table.

The committee to whom was referred the petition of Caleb Churchill and Ephraim W. Beebe, stating, that the township of Philadelphia, by reason of its peculiar situation was but thinly inhabited ; and that the inhabitants are unable to make the necessary roads ; and praying for the grant of a turnpike through the centre of said town, and petitioning for a land tax to make other roads likewise in said town ; made report, that they find the substance of said petition has not been advertised according to law, and that therefore it is their

opinion that the same ought to be referred to the next session of the legislature.

Which report was read and accepted, and the petition referred accordingly.

The committee to whom was referred the petition from the town of Orange, praying for the grant of a land tax, made report against granting the prayer thereof, which was read and accepted; and on motion, *Ordered*, That the petitioners have leave to withdraw their petition.

The committee to whom was referred the petition of Lemuel Standish, stating a mistake of the listers of the town of Benson, which subjected him to pay into the state treasury a larger sum than his warrant entitled him to a right to collect: and praying relief in the premises—made report, that they find the facts set forth in the petition to be true, that the prayer thereof ought to be granted, and that the petitioner have leave to bring in a bill accordingly.—Which report was read and accepted.

Whereupon,

A bill entitled an act remitting a sum of money to the town of Benson, was read and ordered to lie on the table.

The committee to whom was referred the petition for a turnpike from White river to Ticonderoga, made report, that upon examination they found that the intention of petitioning for said road had not been advertised by the petitioners, according to the law in that case made and provided, and that they were therefore of opinion that it ought to be referred to the next session of the general assembly. Which report was read and accepted, and the reference made accordingly.

A petition from the inhabitants of Randolph and Brookfield, was read and referred to Messrs. A. Marsh, Staunton and Webber.

A petition of Moses Jeffords, was read and referred Messrs. Palmer, Jewett and J. Hammond.

A petition of Justus Bellamy, was read and referred to the committee appointed on the petition of Jacob Bates.

A petition of Wait Rathburn and others, for a turnpike, was read and referred to the committee appointed on the Peacham turnpike.

The petition of Mary Whitney, praying release from a certain bond given to the sheriff of Bennington county, by her, in behalf of her son, was read and referred to Messrs. Finney, Bigelow, and Leland, to join such committee as council may please to appoint.

A petition of the inhabitants of Bridport was read and referred to the members of the county of Addison.

A petition of the inhabitants of Barnet for a county road, was read and referred to the committee appointed on the petition for Peacham turnpike.

Mr. Amos Marsh, member from Vergennes, appeared in the house, and took his seat.

The petition of Daniel Reed and J. Fuller, was read and referred to the committee appointed on the petition of General Reed and others.

A bill entitled an act allowing the defendants and respondents, in prosecutions on libels, to give the truth of words contained in such libels in evidence, under the general issue not guilty, was returned from council concurred, with certain proposals of amendment, which being concurred in by the house, the bill became a law.

A bill entitled an act in addition to and amendment of an act for regulating and governing the militia of this state, was received from council with recommendation to the house to refer the further consideration thereof to the legislature at their next session. Which recommendation being read, and the reasons inducing council to make them attended to, the bill was referred accordingly.

Mr. James Fisk, on motion, introduced the following :

Resolved, The governor and council concurring therein, that his excellency the governor be, and he hereby is requested to transmit to the president of the United States, a copy of the act entitled an act declaring the assent of this state to a certain article of amendment to the constitution of the United States, passed the present session of the legislature ; to be communicated to the senate and house of representatives of the congress of the U. States.

Which being read, passed into a resolution of the house.

On motion,

Resolved, The governor and council concurring therein, that both branches meet in the representatives room, at the opening of the house to-morrow afternoon, for the purpose of making such further appointments of justices of the peace, in the several counties of this state as may be deemed necessary.

The petition of Benjamin Burtch, stating, that being an inhabitant of Woodstock, at the time of its being made the shire town for the county of Windsor, he was induced to expend large sums of money towards building a court house and prison,

expecting to receive advantages from the nearness of said buildings to his residence : that soon after its erection the court house was burnt down, and a new one erected at a distance from his dwelling—and a new prison at a still greater distance ; whereby the petitioner was defeated in his just and reasonable expectations of receiving privileges and advantages, and in consequence is reduced from a state of affluence to a state of indigence and want.—— Therefore praying for relief by obtaining a grant of the lands in the several towns known by the name of the glebe lands, or such proportion of them as the legislature may deem expedient ; was read and referred to the next session of the general assembly.

The committee to whom was referred the bill entitled an act to enable the committee appointed to superintend the expenditure of a tax of six cents on the acre upon the land in the town of St. George, to lay out certain roads, made report, that by careful examination, they have found a general act embracing the object of the bill, which will supercede the necessity of passing the same ; and that in their opinion the bill ought to be dismissed.

Which report was read and accepted, and the bill dismissed accordingly.

A bill entitled an act in addition to an act, entitled an act constituting the supreme court of judicature, and county courts, defining their powers and regulating judicial proceedings.

A bill entitled an act establishing the goal of the county of Essex, a prison for receiving and safe keeping of prisoners committed under the authority of the United States : and

A bill entitled an act altering the line between

Morgain, alias Caldersburgh, in the county of Orleans, and Wenlock in the county of Essex, were received from council concurred and passed into laws.

And then the house adjourned.

WEDNESDAY, FEBRUARY 1, 1804.

9 O'CLOCK, A. M.

THE committee to whom was referred the petition of Joseph Ackley vs. Timothy Lovell, stating, that on the sixth day of March, 1795, and afterwards, the petitioner was well seized of 610 acres of land, valued at seven cents per acre, lying in Bromley, in the county of Bennington, that Timothy Lovell of Rockingham, in the county of Windham, was seized of a farm lying west of said lands, in said Bromley. That said Ackley received about forty-five dollars of said Lovell, and executed to him therefor the following notes, viz. one dated the 6th of March, 1795, for value received, promising to the said Lovell or his order a good warrantee deed of two hundred and fifty acres of land in said Bromley, and adjoining east of said Lovell's farm, said deed to be given within six months next ensuing the date of said note, or to pay all damages. The other note bearing date the 8th day of April, 1796, wherein a similar engagement existed, to deliver to said Lovell, at his dwelling-house in Rockingham, in six months from said date, a good warrantee deed of three hundred and sixty acres of land in said Bromley, adjoining east on said Lovell's farm, in such form as said Lovell should please to have it laid

out. And that at the time of executing said notes he verily believed the said farm did join on the lands owned by said Ackley, whereas there was in fact a tract of far more valuable land than said Ackley's, lying between his land and said Lovell's farm, which altho' unknown to him, he believes was well known to said Lovell.

And that at the county court holden at Newfane, in June 1797, the said Lovell commenced his suit against the petitioner, on his said notes, which action was continued until the November term of said court, in the year 1797, when altho' unprepared to make defence in the case, he was compelled to proceed to trial, and on verdict of a jury, the said court rendered judgment against him, in favor of said Lovell, for the sum of eight hundred and forty-five dollars damages, and for twenty-seven dollars and seven cents costs of suit, and the said Lovell prayed a review of said action, at the then next term of said court.

And further stating, that on the 20th of Nov. 1797, he was well seized in fee of a farm in Reading, consisting of about one hundred and twenty acres, with valuable buildings, on which farm he then lived, and where he wished to spend his days. That then and there the said Lovell proposed to him, to suffer himself to be defaulted in said action and the damage to be assessed at two thousand dollars, and that said Lovell would never disturb the said Ackley or his wife, during their natural lives, but would permit them peaceably to enjoy their said farm in Reading, and stock the same some how, so that the petitioner might make profits therefrom, and that he, the petitioner, relying on the promise

of said Lovell, consented to the default, and executed his writing accordingly, and default ensued, and judgment for two thousand dollars was rendered accordingly, with forty-three dollars and twelve cents costs of suit.

And that the said Lovell, being instigated by the devil, did forthwith take out an execution for said sum, with twenty five cents more for said writ of execution, which was signed by Lemuel Whitney, clerk of the said county court of Windham county, dated June 11th, 1798, and made returnable in sixty days thereafter; which execution the said Lovell caused to be levied on horses and cattle, the property of said Ackley, to the value of two hundred and fifty dollars, and himself purchased them at the sign post in said Reading, for one hundred and twenty dollars.

And afterwards, viz. on the day last aforesaid, the said Lovell caused said execution to be levied on said farm, and had the same appraised and set off upon the said execution, at the price of eleven hundred and thirty eight dollars and fifty cents, and afterwards forcibly took possession of the same, putting the wife of said Ackley and all his household furniture out of doors, and still retains possession against the will of said Ackley, who with his family are stripped of every thing that could be taken on execution, therefore praying for a new trial, &c. made report, that having duly attended to the petition, it was their opinion that the prayer thereof ought to be granted, and the petitioner to have leave to bring in a bill accordingly.

Which report was read and accepted, and leave given to the petitioner to bring in a bill accordingly.

The bill entitled an act authorizing the governor of this state to issue a new charter of Montpelier, was read a second time, passed, and ordered to be engrossed, and sent to the governor and council for revision and concurrence, or proposals of amendment.

The speaker notified the house, of an existing necessity for his requesting leave of absence, which was granted, and the house proceeded to the choice of a speaker, when the ballots being taken, Mr. Leland was duly elected, and being qualified, took the chair.

Mr. Joshua Staunton obtained leave of absence.

The committee appointed to enquire into the state of the business before the house made a report thereon, which was read and ordered to lie on the table.

Mr. Morris, on motion, introduced the following :

Resolved, That a committee of three be appointed, to examine into the official conduct of Charles Leavens, one of the Justices of the Peace for the county of Windsor, so far as relates to the action Simeon Willard vs. Jonathan Hall, with power to send for persons and papers, to state the facts, and if necessary to report to this house the course which may be proper for this house to pursue.

Which resolution being read, passed into a resolution of the house, and Messrs. A. Marsh, Hay and Hurd were appointed a committee accordingly.

Articles of accusation against Charles Leavens.

IN the action Simeon Willard vs. Jonathan Hall, demanding in damages thirty dollars, tried before

Charles Leavens, justice of peace, at Hartland, on the 23d of January 1804, judgment was rendered for the plaintiff to recover of the defendant fifteen dollars damages and four dollars ninety-five cents costs of suit.

Within two hours after the rendition of said judgment the defendant prayed for an appeal from said judgment, to the next county court, and offered Marshal Wait for bail to prosecute said appeal, the said Wait being a freeholder in Windsor, to the value of two thousand dollars, and possessing personal property to the amount of one thousand dollars.

The said justice knowing the premises, and intending to oppress the defendant, in violation of his duty as a justice of the peace, and of the laws of this state, did wholly refuse to grant said appeal.

That the defendant proposed to bring an action against the said justice, for so refusing to grant said appeal, & also to inform the general assembly of the premises, that he might be dealt with therefor according to law : and therefore requested of the said justice a true copy of said procedures.

And that the said justice knowing the premises, and to defeat the defendant in his said action, and to secure himself from an impeachment, for his misconduct as aforesaid, did, on the 31st of January last, falsely and corruptly certify, as a true copy of said proceedings, that " the defendant within two hours after the rendition of said judgment, prays an appeal may be granted him therefrom, to the next county court to be holden at Woodstock, in and for the county of Windsor, on the third Monday of March, in the present year of our Lord 1804." That " it is therefore ordered that the defendant be allowed his appeal." And the said justice did further falsely and corruptly certify in said copy

of said record, that the said " Marshal Wait was recognized in the sum of forty dollars to the plaintiff, for the prosecution of said appeal in due form of law."

When in fact the said appeal was not granted as so certified, within said two hours. And further that the said Marshal Wait was not recognized by said justice, to prosecute said appeal, as certified by said justice.

Which accusation, in writing, was delivered to the committee.

A bill entitled an act to compel the managers of the Green Mountain Road Lottery, to draw the same, or otherwise compensate the purchasers of tickers, being sent down from council, with proposals of amendment, was read, and the house not agreeing with the council in their propositions of amendment, it was ordered, that Mr. Shaw, on behalf of the house, wait on the governor and council, and inform them of the reasons of the house, for withholding their concurrence, and for wishing the concurrence of the council to the passage of the bill in its former state, as passed by the house.

A bill entitled an act to establish a society by the name of the Third Medical Society in the state of Vermont, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence; or proposals of amendment.

The resolution of Mr. Wood was called up, viz. Whereas the legislature since their election, have had one session of more than common length, before the present : and whereas the important business destined for discussion at the adjourned session, has already been acted on ; and economy

and public opinion calling loudly for a short session : Therefore,

Resolved, The governor and council concurring therein, that the governor and council meet the house of representatives, in the representatives room, on Monday next, at two o'clock P. M. for the purpose of adjourning the two houses of the legislature without day.

Which was read, and on motion,

Resolved, That the preamble of said resolution be erased, and Monday next inserted instead of the 2d instant.

On the question shall the resolution as amended pass, and become a resolution of this house—the yeas and nays being demanded, were :

YEAS—Messrs. E. Allen, T. Allen, Bigelow, Bullock, Bishop, Brownson, Blanchard, Beech, Castle, Cowee, B. Clapp, A. Chamberlin, Corse, S. Chamberlin, J. Clapp, Chapin, J. Dana, Deforest, B. Emmons, Edson, Eaton, Foot, James Fisk, Jonathan Fisk, Fisher, Isaiah Fisk, Harvey, Thayer, Fassett, Hale, Hunt, Hendee, Hawley, Hazletine, E. Hammond, Hay, Kitchel, Kinne, Kibbe, Leland, Lewis, Muzzy, Morris, A. Marsh, M'Cumber, Morrill, Olds, A. Perry, Peters, Paine, T. Porter, Peasley, Putnam, Palmer, Peckham, T. H. Parker, R. Parker, Roberts, N. Robinson of Stow, Shafter, Stevens, Spooner, Stoughton, Simonds, Stacy, Stanley, T. Tuttle, Taylor, D. Tuthill, Underhill, Whitney, Wheeler, Wheelock, Williams, Wheatley, Woodworth, Wetherbee, Webber.

NAYS—Messrs. Robert Anderson, John Anderson, Aiken, Armington, Zenas Allen, Jona. Allen, Baker, E. Bailey, J. Bailey, Bliss, Butler, Brigham,

Beeman, Brown, Church, Cruttenden, Chittenden, Cameron, Douglass, Durfey, Emerson, Flagg, Francis, Fuller, Ferguson, Farrington, French, Galusha, Graves, H. Goodrich, Hurd, J. Hammond, Hubbard, Holmes, Hutchins, Hinman, Ives, Isham, Jewett, Luce, Larrabee, Leavenworth, T. Miller, W. Marsh, J. Marsh, M'Laughlin, Noyes, Nash, Noble, Olin, W. Perry, Pond, Potter, Ranny, A. Robinson, Rich, Reynolds, Shumway, D. Sheldon, Shaw, P. Smith, Segar, Sexton, Scott, Tarbox, Vail, Sol. Wright, Wood, Silas Wright.

So it passed in the affirmative, yeas 78, nays 69.
And then the house adjourned.

2 O'CLOCK, P. M.

THE house met pursuant to adjournment.

An act in addition to an act laying a tax of four cents per acre on the town of Jamaica, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

The petition of Luke Knoulton, junior, and Reuben Atwater, executors to the late Calvin Knoulton, Esq. was read, and on motion referred to the next session of the legislature.

The governor and council appearing in the house, the two houses agreeably to concurrent resolution, formed in joint committee, when the following proceeding ensued.

In Joint Committee, Feb. 1, 2 o'clock, p. m.

Agreeably to the concurrent resolution of both houses of this morning, the governor, council and

house of representatives met in joint committee, for the appointment of such persons as justices of the peace in the several counties, as may be deemed necessary.

His Excellency the Governor in the chair.

David Wing, junior, Clerk.

The joint committee then proceeded to receive nominations from several counties of this state, nominating certain persons as justices of the peace in said counties ; which several nominations being read, the persons following were respectively appointed to said office, viz.

David Harvey of Alburgh, in the county of Franklin.

Issachar Reed and Jonathan Wells of Rutland, in the county of Rutland.

Thomas West, junior, and Paul Holbrook, of Montpelier, and William Clement of Danville, in the county of Caledonia.

Enos Town, of Barre, and David Denny of Northfield, in the county of Orange.

The committee then dissolved.

Attest, DAVID WING, Jun. Clerk.

The governor and council having withdrawn, the house resumed business.

The committee to whom was referred the petition of Franklin, Robinson and Co. and William Torney, of the city of Newyork, stating, that on the 7th day of Oct. 1794, Gideon Brownson and Richard Seaman, then living in Sunderland in Vermont, and trading as merchants in company, executed their note to said Franklin, Robinson & Co. for value received, to the amount of two hundred and forty six pounds, eleven shillings and nine

pence, York currency, with interest. And in December 1792, executed their note to William Tourney, for one hundred and thirty six pounds three shillings and three pence York currency, with interest, to William Tourney, of the city of Newyork ; each of which notes were for goods, wares, and merchandize, and part payment has been received on each of them, from said Brownson and Seaman in their life time. That afterwards, viz. about the 1st of April, 1796, in the life time of said Brownson and Seaman, the said Brownson requested the petitioners to forward their demands for collection, that he might secure himself out of the individual property of said Richard Seaman, who was in failing circumstances ; and that the petitioners forwarded said claims to Stephen Camp, and Noah Smith, Esqrs. of Bennington, accordingly : soon after which the said Richard became a bankrupt, possessing no property, the said Gideon having taken all their property as copartners, into his possession, and your petitioners were unable to enforce collection out of the property of said Richard in his life time, who died a bankrupt, leaving all the company property in the hands of said Gideon, or his administrators.

That on the decease of Gideon Brownson, Eli Brownson of Manchester, was appointed his administrator, who rendered the estate insolvent, and the Judge of Probate for the district in which said Gideon died, appointed Christopher Roberts and Joseph Burr of Manchester, and John Baker, deceased, commissioners to receive, examine and allow the several claims against said estate, and by the records of said court of probate, to make return by

the first Tuesday of January, 1797, but the said commissioners were commissioned to make return in six months from the 12th or 13th of October, 1796. And the said commissioners advertised their call for settlement, on the creditors of said estate, only in the Vermont Gazette and in Sunderland, three weeks successively, viz. from the 4th to the 18th of Nov. 1796, of all which proceedings the petitioners had no notice until after the time appointed for exhibiting accounts expired, and the petitioners having heard that their said demands were exhibited by their agent and attorney to said commissioners, and that the estate was amply able to pay all demands, and the proceedings of the court of probate and commissioners were illegal and irregular, neglected to procure a prolongation of the time for exhibiting their demands from the court of probate, and the administrator refusing to pay the balances on said notes, altho' the sum of the inventory of the estate, of which the said Gideon died seized, and which is as assets in the hands of the administrator, was two thousand and sixteen dollars more than the debts allowed by the commissioners.

And further stating, that by various operations, in the courts of law, the petitioners are left without remedy, save in the equity and clemency of the legislature. Therefore praying that a law may be passed, directing the court of probate in and for the district of Manchester, to reappoint and commission two or three indifferent men, commissioners on said estate, to receive, examine, adjust and allow or disallow the demands against said estate, and that the said causes be continued in said supreme court, un-

til a hearing may be had before said commissioners so to be appointed, as aforesaid, under such conditions and regulations as the assembly may deem just and right, or in some other way grant them relief :

Made report,

That the facts therein stated are supported, and that in the opinion of the committee the prayer thereof ought to be granted.

Which report being read, was accepted, and leave granted to the petitioners to bring in a bill.

A bill entitled an act for the relief of Matthew Stanley, was read and ordered to lie on the table.

A bill entitled an act in addition to an act entitled an act laying a tax on the several towns therein mentioned ; passed Nov. 8, 1803—was read and ordered to lie on the table.

A bill entitled an act to authorize the supreme court to empower guardians to sell the real estate of their wards, was read, with a report of the committee thereon ; which report being accepted, the bill was ordered to lie on the table.

A bill entitled an act appointing a committee to establish a shire or shires for the county of Windham, was read and made the order of the day for to-morrow afternoon.

The committee to whom was referred the petition of the town of Vershirs, stating, that by an erroneous running of the line of Corinth, the town of Vershire is wronged out of a strip of land, five miles in length, and one mile and a quarter in width ; that the town of Vershire took regular steps to forewarn the inhabitants of Corinth against encroaching on their right, and instituted suits for the recovery thereof. That by mutual agreement

the committees of Vershire and Corinth entered into a rule of court to submit to referees appointed, all their matters in dispute, respecting said lands, the decision of said referees to be final. That the decision was in favor of Vershire, yet the proprietors of Corinth refuse to give them possession and occupancy. Therefore praying the assembly to pass an act establishing the line specified and expressed in Corinth charter, viz. a line drawn from the north-west corner of Fairlee, running north 61 degrees, west six miles, to be the jurisdictional line between the town of Vershire and Corinth. Said committee having had before them the petition of the town of Corinth, and the petition of sundry inhabitants of Corinth, made report, that the facts stated in the petition of Vershire are true, and in their opinion the prayer thereof ought to be granted, and the petitioners to have leave to bring in a bill accordingly. Whereupon,

A bill entitled an act to establish the jurisdictional line between the towns of Vershire and Corinth, in the county of Orange, was read and ordered to lie.

Mr. Jonathan Allen applied for and obtained leave of absence.

On motion of Mr. Spooner,

Resolved, That Mr. D. Sheldon and Mr. S. Perter, be added to the committee appointed on the resolution brought in by Mr. Morris, for an enquiry into the conduct of Charles Leavens, Esq. justice of the peace for the county of Windsor.

The committee appointed on the petition of Sherman Dewey, stating, that he is now in a state of great infirmity and lameness, rendering him unable to labor or prosecute any business of profit ;

that this infirmity and lameness occasions expences which he is unable to detract, and that he has but little if any rational hope of ever being healthy and able to labor, his infirmities having attended him from his infancy, and every effort of himself and friends to obtain his restoration to health proving ineffectual, although assiduously persisted in, and prosecuted with great expence. Therefore praying for the grant of a lottery to raise such sum, and subject to such managers and regulations as the assembly may see fit ; made report, that the facts therein stated are true ; notwithstanding which, it was their opinion that the prayer thereof ought not to be granted.

Which report was read and accepted, and leave granted to the petitioner to withdraw his petition.

The committee to whom was referred the bill entitled an act authorizing the governor of this state, to issue a new charter of Montpelier, reported a bill as a substitute for the same, which in their opinion they conceived ought to pass ; which being read, passed, and was ordered to be sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act to enable the proprietors and land owners of the town of Essex, to divide their land into severalty, was read a second time, passed, and ordered to be engrossed, and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act remitting a sum of money to the town of Weathersfield, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment. ;

A bill entitled an act remitting a sum of money to the town of Tinnmouth, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act appointing a new member of a committee to superintend the collection and expenditure of a land tax on Mount-Holly, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act altering the name of Bromley to Peru, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act appointing a new collector on Deweysburgh, was read a second time, and on motion,

Resolved, That the bill be dismissed.

A petition of the land holders and inhabitants of Derby, was read, and on motion referred to Messrs. Pomeroy, Beech and Beaman.

Mr. Scott requested and obtained leave of absence.

The committee to whom was referred the petition of David Smith, stating, that in the year 1798, the petitioner contracted with the honorable Samuel Williams, Esq. late of Rutland, in the county of Rutland, for a small piece of land, described in the petition, for which he was to credit the said Williams sixty dollars on his book, being then working at his business as a book-binder for said Wil-

liams, that your petitioner having erected a dwelling-house and out-houses on the premises, and being allowed by the commissioners a balance of twelve pounds sixteen and two pence, to secure his title, paid to one of the administrators the further sum of forty-five dollars, to make good any deficiency that might appear on settlement of said estate. Yet he feels insecure, and can find no existing law to afford him relief, however just his claim, and is threatened with a suit in the premises. Wherefore to prevent the ruin of himself and family, he prays the hon. house to take his case into their wise consideration, and grant him a law, authorising the administrators of the estate of the said Samuel Williams, upon the allowance to them, for the benefit of said estate, of a sum equal to the original purchase money of said land, and to the eventual loss thereon to your petitioner, by reason of any insolvency of said estate, immediately to make out, execute & deliver in due & common form to your petitioner, a deed of the lands aforesaid, with the appurtenances, or otherwise to grant relief in the premises.

Made report,

That the within named property, upon an investigation of the subject, it appears was not inventoried as the estate of the deceased, and by the administrators was considered as the property of said David Smith, although not deeded. Your committee are therefore of opinion, that the prayer thereof ought to be granted.

Which report was read and accepted, and leave granted to the petitioner to bring in a bill.

Whereupon,

A bill entitled an act authorizing the administrators of the estate of Samuel Williams, to deed lands, was read and ordered to lie as the order of the day for to-morrow afternoon.

The petition of Amos Marsh, for a turnpike from Burlington to Vergennes, and from Vergennes until it strikes the turnpike in the state of Newyork, was read and referred to Messrs. D. Dana, Butler and Bullock.

A bill entitled an act, to revive an act laying a tax on Williston.

An act authorizing the governor to issue a new charter of Montpelier.

A bill entitled an act appointing a new collector of a land tax on Montgomery.

A bill entitled an act to revive an act, entitled an act granting to Zacheus Peasley and others, the exclusive privilege of erecting a wharf and store house at Burlington Bay, for the term of twenty five years.

A bill entitled an act in addition to an act, entitled an act to lay out a post road from the court-house in Vergennes to the court-house in Burlington; and also, in addition to an act entitled an act appointing a committee to lay out a post or stage road from Onion-River to Canada line.

And a bill entitled an act appointing a committee to lay a county road from Guildhall, in the county of Essex, to Danville, in the county of Caledonia. were returned from council concurred, and passed into laws.

The resolution brought forward by Mr. Wood, relative to adjournment on Thursday the second instant, and passed by the house with the erasure of

the second inst. and the insertion of Monday next, was returned from council by Mr. Witherill, non-concurred, with a proposal of amendment, by erasing Monday, and inserting Friday next. And Mr. Witherill having stated the reasons of council for their non-concurrence with the house, withdrew.

On motion,

Resolved That the house do not concur with the council in their proposition of amendment, and that Mr. Hay be requested to wait on the governor and council, and inform them of the reasons of their non-concurrence.

The committee to whom was referred the petition from Pomfret and Hartford, stating, that the petitioners had been set off into two school districts, at the southeast corner of Pomfret and the southwest corner of Hartford, and that the make of the land was such that in union they may make a respectable district, and support a good school, but as two districts could not do it to any advantage :— Therefore praying that they may be so united for the promotion of so beneficial an institution, and further stating, that the said towns of Pomfret and Hartford had been notified as the law directs, to appear and shew cause, if any they have, why the prayer of your petitioners should not be granted.

Made report,

That the facts therein stated are true, and that in their opinion the prayer thereof ought to be granted. Which report was read and accepted, and leave granted to the petitioners to bring in a bill accordingly.

And then the house adjourned.

THURSDAY, FEBRUARY 2, 1804.

9 O'CLOCK, A. M.

THE house met pursuant to adjournment.

An act for the relief of certain creditors of the estate of Gideon Brownson deceased, therein named, was read and made the order of the day for tomorrow morning.

The committee to whom was referred the petition of John M'Neil, stating, That he had for a long time, and previous to any other person, kept and supported a ferry from the town of Charlotte across Lake Champlain; and that he had at his own expence erected and built a commodious wharf, and built a boat of thirteen tons burthen, which has cost him at least five hundred dollars, and relying on public support is now building a boat of twenty tons burthen, for the purpose aforesaid, that the income of said ferry has not yet been sufficient to return the interest of the money expended. That his brother has attempted to injure him by establishing a ferry at the distance of half a mile from his landing, and at a place not so convenient; that two ferries so near each other cannot be beneficial to the proprietors: and therefore praying for an exclusive grant of a privilege to keep a ferry in Charlotte, for the term of ten years: -

Made report,

That in their opinion the prayer of the petition ought not to be granted.

Which report was read, and on motion, recommended to the former committee.

Messrs. Finney, Janes, Shaw, Sol. Wright and Flagg, applied for and obtained leave of absence.

A bill entitled an act giving to John M'Neil and Charles M'Neil equal privileges in keeping ferries across Lake Champlain, in the town of Charlotte, was read and referred to the committee on the petition of John M'Neil.

A petition from Waitsfield and Faystow, praying to be incorporated into one town, by the name of Waitsfield, was read, and on motion referred to Messrs. E. Allen, Harvey, Shumway, Olin and Wheelock.

The remonstrance of a number of the inhabitants of Waitsfield, against granting the prayer of the said petition, was read and referred to the same committee.

The committee to whom was referred the petition of Samuel Chamberlin, reported favorably to the prayer thereof, which report was read and accepted, and leave given to the petitioner to bring in a bill.

The committee to whom was referred the bill entitled an act directing listers in their office and duty, reported a bill as a substitute for the original bill, which was read and ordered to lie on the table.

Mr. Shumway, on motion, introduced a bill entitled an act to repeal the first section of an act, entitled an act to encourage the increase of sheep; which was read, and on motion,

Resolved, That it be made the order of the day for to-morrow morning.

A bill entitled an act to repeal part of an act, entitled an act altering the time of the sitting of the county courts, &c. in Franklin county, introduced by leave of the house, was read and ordered to lie on the table.

Mr. Olin, on motion, introduced the following :

Resolved, That the committee to whom was referred the petition of John M'Neil be directed to enquire into the expediency of empowering the county courts of each county to licence ferries, in cases where applicants are not satisfied with the decision of the town authority, and to report by bill or otherwise.

A bill entitled an act laying a tax on the county of Orange, was read and ordered to lie on the table, as order of the day for to-morrow morning.

On motion,

Resolved, That Mr. Cameron be appointed to serve on the committee appointed on the petition of Justus Bellamy, in the room of Mr. Janes, who has obtained leave of absence.

The petition of James Danley was read and referred to Messrs. Cruttenden, Deforest and Hendee.

The petition of the President and Directors of the Green Mountain Turnpike Company, stating, that by law they are obliged to erect and maintain four gates on the said road, and that in the opinion of the directors it is not advantageous to the state, nor to the said company, to maintain four gates on the said road, taking into view the expence of erecting toll houses, and the necessary expence of employing toll gatherers to tend said gates : they therefore pray for permission to lessen the number of gates, and to lessen the toll in proportion to the abatement of expence in collecting the same.

And further stating, that they conceive of no other adequate remedy at present existing, to prevent persons avoiding the gates, and eluding the payment of the toll established by law ; and praying

relief in the premises; was read, and on motion,

Resolved, That it be referred to the next session of the general assembly.

A reconsideration of the vote of reference to the next session of the petition of Samuel Hitchcock and others, for the grant of a turnpike from the court house in Middlebury to the court house in Vergennes, was called for by a member in the affirmative on that vote; and on motion,

Resolved, That the house do rescind from their vote aforesaid.

Resolved, That the petition be referred to the committee appointed on the petition of Amos Marsh and others for a turnpike.

Mr. Aikin asked for and obtained leave of absence.
The house adjourned.

2 O'CLOCK, P. M.

THE house convened agreeably to adjournment.

The committee to whom was referred the petition of Jacob Bates of Tunbridge, stating, that the petitioner, a few years since, sold his farm in Hartland to one Jabez Thomas, for the purpose of paying off some small demands, and purchasing a new tract of land; and that relying on the ability of the said Thomas he credited him for one half of the purchase money for several years, during which term said Thomas in a clandestine manner, sold the said farm to a friend of his in the state of Massachusetts, entirely to defeat the claim of the petitioner; that the petitioner however attached the farm he had so sold to the said Thomas, and had the same appraised off to him in satisfaction of his execution, but that a law suit is now pending between the pe-

tioner and the person covering the property of the said Thomas, on the termination of which the petitioner conceives he shall be enabled, by sale of the premises, to pay all just demands existing against him : Therefore praying for an act of suspension of civil suits against him for a reasonable time to complete the termination of the suit alluded to.

Made report,

That the facts therein stated appear to be true, and that in the opinion of the committee the prayer thereof ought to be granted, and the petitioner to have leave to bring in a bill accordingly.

Which report was read and accepted. Whereupon,

A bill entitled an act to suspend certain process against the person of Jacob Bates, was read and ordered to lie on the table.

A bill entitled an act in amendment of and addition to an act directing the mode of obtaining licences, regulating inns and houses of public entertainment, was read and made the order of the day for to-morrow afternoon.

The committee to whom was referred the petition of general Daniel Reed and others, made report thereon, which was read and accepted, and leave granted to the petitioners to bring in a bill.

The committee to whom was referred the petition of general N. Leavenworth and others, praying for the formation of a regiment of horse, reported in favor of the prayer of the same ; which report was read and accepted, and leave granted to the petitioners to bring in a bill.

The committee to whom was referred the petition of Daniel Reed and John Fuller, made the following report :

February, 1st, 1804.

Your committee to whom was referred the within petition make report, that though in their opinion the prayer thereof ought to be granted, yet as the legislature at the last session did refuse to make the provision required, your committee recommend that the within petition be referred to the next session of the general assembly.

Which report was read and accepted, and the petition referred accordingly.

A bill entitled an act in addition to an act entitled an act regulating town meetings, & the choice and duty of town officers, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act in addition to and revival of an act, assessing a tax of two cents per acre on the town of Westford, passed October 26th, 1799, which had been returned from council non-concurred, and recommitted to a committee of the house, was read, with the report of said committee thereon ; which report was in favor of the passage of the bill. Whereupon, on motion,

Resolved, That the house do not agree with the council in their nonconcurrence ; & that Mr. Hay be requested to wait on the governor and council, and inform them of the reasons that induce the house to adhere to their former resolution for passing the bill.

A bill entitled an act to explain the 11th section of an act, entitled an act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law, was read and referred to Messrs. Morris, A. Marsh and Olin.

The committee to whom was referred the petition of Nathaniel Callender, reported in favor of the prayer thereof, with leave to the petitioner to bring in a bill. Whereupon,

A bill entitled an act relieving Nathaniel Callender from a bill of cost therein mentioned, was read and ordered to lie on the table, as order of the day for to-morrow afternoon.

A bill entitled an act ratifying the proceedings of a collector of a land tax in Bridgwater, was read and ordered to lie on the table as order of the day for to-morrow afternoon.

A bill entitled an act restoring Joseph Ackley to his law, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

The committee to whom was referred the petition of the inhabitants of Woolcot, stating, that a turnpike road from Lake Champlain to Connecticut-River through the counties of Franklin, Orleans and Caledonia, would greatly advance the interest, convenience and prosperity of the people of said counties, and promote the public good.

That the local situation of said town is such, that the public travel through said counties as aforesaid, will best accommodate the same, the inhabitants being few in number, and unable to maintain such roads as the public interest requires. Together with a number of petitions from other towns to the same effect—Made report, that they find the facts stated in said petitions to be true, and that the inhabitants living on the route where it is contemplated to run said road, are in favor of it,

with few exceptions ; and considering the object, and the public utility the said road would be, the committee are of opinion, that the prayer of the petitioners ought to be granted, and that they have leave to bring in the accompanying bill.

Whereupon,

A bill entitled an act for a turnpike road from Lake Champlain to Connecticut-River, was read and recommitted to the committee on the petition for Peacham turnpike.

The secretary of the governor and council appeared in the house, and returned from council,

A bill entitled an act remitting a sum of money to the town of Weathersfield.

A bill entitled an act remitting a sum of money to the town of Benson.

A bill entitled an act remitting a sum of money to the town of Tinmouth. And

A bill entitled an act laying a tax of two cents per acre on the township of Bridgwater, in the county of Windsor and state of Vermont, for purposes therein mentioned, concurred by council, and they severally became laws.

Mr. Page likewise returned from council the resolution passed by the house, assigning Monday next as the day for the adjournment of the legislature without day, concurred in by council.

The committee to whom was referred the bill entitled an act for establishing a bank at Windsor, and a bill entitled an act to establish a bank at Burlington, made the following report, viz.

To the Honorable General Assembly of the State of Vermont.

Your committee to whom was referred an act to

incorporate a bank at Windsor, unanimously report. That in their opinion that act, with the alterations, amendments and additions thereto, as now reported, would be of real service both to the agricultural and merchantile interest of this state.

It is nevertheless the opinion of this committee, that it ought not to be passed at this session of the legislature, but ought to be published at the expence of the intended corporation, that the public sentiment thereon may be fully known previous to the sitting of the next legislature.

Your committee further beg leave to report, that the act to incorporate the bank at Burlington, which was likewise referred to your committee, merits in every respect the same attention; as your committee believes it would be equally serviceable, and ought therefore to stand on the same footing.

Which report was read and accepted, and on motion,

Resolved, That the bills be referred accordingly.

Mr. Page, secretary of council, again appeared in the house, and laid on the clerk's table the following resolution of that honorable body, viz.

IN COUNCIL, FEB. 2, 1804.

Whereas the governor, by and with the advice of council, has ordered that a third brigade be formed from the second brigade of the militia of the third division, comprehending the county of Franklin and the towns of Milton and Underhill, in the county of Chittenden, to be known and distinguished by the name of the third brigade in the third division:

Resolved, The house of representatives concurring therein, that the two houses meet in joint committee, to-morrow morning at ten o'clock, in

the representatives room, for the purpose of electing a brigadier general of this third brigade.

Attest, WILLIAM PAGE, JUN. Sec'y.

Which resolve being read, was concurred in by the house.

On motion,

Resolved, That a committee consisting of one member from each county, be appointed, to make up the debenture of the house for the present session. Members chosen, Messrs. Galusha, S. Porter, Wood, Spooner, J. Dana, Blanchard, Stanley, Silas Wright, Beech, Tuttle and Pomeroy.

And then the house adjourned.

FRIDAY, FEBRUARY 3, 1804.

9 O'CLOCK, A. M.

THE house met pursuant to adjournment.

The journals of the preceding day being read,

Messrs. Wheeler, J. Marsh, J. Clap, and House, obtained leave of absence.

A motion was made by Mr. Spooner, that the house rescind from their resolution of yesterday for referring the bills for establishing a bank at Windsor, and another at Burlington, to the next session, and the question being put, will the house rescind from the resolution aforesaid? the yeas and nays being demanded, were,

YEAS—E. Allen, T. Allen, Blanchard, Brigham, Beech, Samuel Chamberlin, J. Clapp, Douglass, J. Dana, D. Dana, Deforest, B. Emmons, Edson, Eaton, James Fisk, Fisher, Harvey, Fassett, Hunt, Hazletine, E. Hammond, Hay, House,

Herriek, Itham, Kinne, Kibbe, Leland, Leavenworth, Muzzy, Morris, A. Marsh, M'Cumber, Morrill, Olds, Olin, S. Porter, A. Perry, Painter, Peters, Paine, T. Porter, Peasley, Putnam, Peckham, Pomeroy, T. H. Parker, R. Parker, Rich, Stevens, Spooner, Stoughton, Simonds, T. Tuttle, Taylor, Underhill, Whitney, Wheelock, Wheatley, Wetherbee, Phelps, B. Clap, A. Chamberlin, Corse, Chittenden.

NAYS—Messrs. Robert Anderson, John Anderson, Armington, Zenas Allen, Baker, Bigelow, E. Bailey, Bullock, Bishop, Briggs, J. Bailey, Bliss, Brownson, Butler, Beeman, Brown, Castle, Cowee, Church, Cruttenden, B. Clapp, A. Chamberlin, Chittenden, Cameron, Durfey, Eddy, Emerson, S. Emmons, Francis, Foot, Fuller, Ferguson, Jonathan Fisk, Isaiah Fisk, Thayer, Farrington, French, Galusha, Graves, H. Goodrich, Hurd, Hale, J. Hammond, Hendee, Hawley, Hubbard, Hutchinson, Holmes, Hutchins, Ives, Jewett, J. Jones, Kitchel, Larrabee, Lewis, T. Miller, W. Marsh, M'Laughlin, Noyes, Nash, Noble, W. Perry, J. Perry, Pond, Potter, Palmer, Ranny, Roberts, A. Robinson, N. Robinson of Stow, Reynolds, Shumway, D. Sheldon, Shafter, P. Smith, Sargeant, J. Smith, Segar, Sexton, Stacy, Tarbox, D. Tuihill, Vail, Wood, Silas Wright, Woodworth, Webber.

So it passed in the negative, yeas 63, nays 87.

The committee appointed on the resolution of the house authorizing an enquiry into the official conduct of Charles Leavens, justice of the peace for the county of Windsor, made the following report, viz.

To the honorable General Assembly now sitting.

Your committee to whom was referred the resolution for an enquiry into the official conduct of Charles Leavens, justice of the peace for the county of Windsor, so far as related to the action Simeon Willard vs. Jonathan Hall, after having deliberately and faithfully attended to the duties of their appointment, respectfully report:

That on the 23d day of January 1804, the said Charles Leavens, as justice of the peace, rendered judgment in favor of said Willard, against said Hall, for fifteen dollars damages, and four dollars and ninety five cents costs of suit. That said Hall, defendant, within two hours after the rendition of said judgment, moved for an appeal in due form, and offered as bail for the prosecution of said appeal, one Marshal Wait, a man of ample property, that said Marshal Wait had been improved by said Willard, plaintiff, as a witness; that the said justice adjudged, that he could not legally take said Marshal Wait as bail, and thereby deprive the said Willard, plaintiff, of his evidence, and therefore refused to accept and recognize him as bail for said appeal. That some days after the rendition of said judgment, said justice finding he had done wrong in refusing said bail, applied to both plaintiff and defendant, who each expressed his consent that said Wait should be taken as bail; that said justice likewise applied to said Wait, asked him if at the time of rendition of said judgment he meant to be bail, he answered he did; likewise if he was still willing to be bail, he answered in the affirmative.—Whereupon said justice entered said Wait recogni-

zed in the sum of forty dollars, for the prosecution of said appeal, and on the application of said Hall, defendant, gave the copies of said proceedings, by which said copies it appears that said appeal was allowed, and said Wait recognized as bail, on the said 23d of January, 1804. From which it appears to your committee that said Charles Leavens in his official capacity conducted ignorantly and imprudently, but not corruptly, they are therefore unanimously of opinion, that no further proceeding be had, by this house, against the said Charles Leavens, being fully convinced that said justice was, throughout the whole transaction, actuated by honest and upright principles.

The yeas and nays being demanded on the question, will the house accept the report of the committee, were :

YEAS—Messrs. R. Anderson, J. Anderson, Armingtton, E. Allen, T. Allen, Baker, Bigelow, E. Bayley, Bullock, Bishop, Briggs, J. Bayley, Bliss, Brownson, Butler, Blanchard, Brigham, Beeman, Barlow, Beech, Brown, Castle, Cowee, Church, Cruttenden, S. Chamberlin, Cameron, J. Clap, Chapin, Douglass, Durfey, J. Dana, D. Dana, De Forest, Eddy, Emerson, Benjamin Emmons, Edson, Eaton, Francis, Foot, Fuller, Fergulson, Jonathan Fisk, Fisher, Haiah Fisk, Farrington, Fassett, French, Galusha, Graves, H. Goodrich, Hale, Hunt, J. Hammond, Hendee, Hawley, Hubbard, Hutchinson, Hazletine, E. Hammond, House, Holmes, Hutchins, Hinman, Herrick, Ives, Isham, Jewett, J. Jones, Kitchel, Kinney, Kibby, Leland, Larabee, Lewis, Leavenworth, Muzzy,

T. Miller, William Marsh, Morris, M'Laughlin, M'Comber, Morrill, Noyes, Nash, Noble, Olin, Olds, A. Perry, W. Perrey, J. Perrey, Painter, Pond, Peters, T. Porter, Peasley, Potter, Putnam, Phelps, Palmer, Peckham, Pomeroy, T. H. Parker, R. Parker, Ranney, Roberts, A. Robinson, N. Robinson of Stow, Reynolds, Shumway, Shafter, P. Smith, J. Smith, Spooner, Stoughton, Simons, Segar, Sexton, Stacy, Spaulding, Stanley, Tarbox, T. Tuttle, Taylor, D. Tuthill, Underhill, Vail, Whitney, Wheelock, Wood, Silas Wright, Wheatley, Wetherbee, Webber, Harvey, Thayer, Woodworth.

So it passed unanimously in the affirmative.

The committee appointed on the petition from Royalton, &c. for the grant of a turnpike, stating that the road from the mouth of the second branch of White-River in Royalton, in the county of Windsor, up the said branch to the south end of the turnpike from Montpelier to Brookfield, is at present crooked, hilly, and dangerous; and at certain seasons of the year totally impassable for carriages and loaded teams: and by reason of the great number of bridges on said road, which are indispensibly necessary, it is very expensive and burthensome to the adjacent inhabitants to maintain and keep in repair: therefore praying for a grant of a turnpike road on said branch, of the extent aforementioned; made report, that in their opinion the prayer of the petitioners ought to be granted, and that they ought to be restricted, as far as circumstances will admit, by the same regulations as the Weathersfield turnpike company are.

Which report was read and accepted, and leave granted to the petitioners to bring in a bill.

The committee appointed on the petition for a turnpike from Newbury to Danville, stating, that the county road leading from Newbury in the county of Orange, to Danville court-house in the county of Caledonia, is now almost wholly impassable for teams and carriages, on account of the rough and rocky face of the country, and that it is impracticable for the inhabitants of the towns through which the road passes to make the said road and keep it in repair, at their own expence; and that it is the only road which the people of the counties of Caledonia and Orleans can travel, with any kind of facility, to Portsmouth, Boston, and Hartford, which are their most important markets: therefore praying for the establishment of a turnpike road from Connecticut-River in said Newbury, by or near the mouth of Wells-River, in said town, in such direction to said court-house, as will best accommodate the public.

Made report,

That they find the facts therein stated to be true, and are of opinion that the prayer thereof ought to be granted, so far as to allow them a grant of a turnpike road, to begin not far from the mouth of Wells river in Newbury, to run through Ryegate, Barnet, Peacham and Deweyburgh, to Danville court house, so as best to accommodate the inhabitants of said towns, and the public at large northerly of those towns, and that the petitioners have leave to bring in a bill.

Which report was read and accepted, and leave given accordingly. Whereupon,

A bill entitled an act establishing a corporation by the name of the Caledonia turnpike company, was read and made the order of the day for tomorrow morning.

According to concurrent resolution of the two houses, the governor and council appeared in the representatives room, and the legislature formed in joint committee, when the following proceedings were had, viz.

In Joint Committee, Feb. 3d, 10 o'clock A. M.

Agreeably to the concurrent resolution of both houses of yesterday, the governor, council and general assembly met in joint committee, for the purpose of electing a brigadier general, in the third brigade of the third division of this state.

His Excellency the Governor in the chair.

David Wing, Jun. clerk.

The ballots being taken and examined, it appeared that LEVI HOUSE, Esq, was duly elected.

The joint committee then dissolved.

Attest, D. WING, JUN. Clerk.

A bill empowering the judges of the county court of the county of Caledonia to audit and allow certain accounts, was read and made the order of the day for to-morrow morning.

On motion, a member presented to the house the following resolution.

Resolved, As the sense of this house, that there

be a committee consisting of a member from each county, appointed to receive and distribute the acts and laws of this state, passed at Westminster, in 1803. Members chosen, Messrs. Galusha, Bullock, Wood, Spooner, James Fisk, Wetherbee, Stanley, Palmer, Kitchel, Potter and Fasset.

A bill entitled an act authorizing the supreme court to empower guardians to sell real estate of their wards, was read a second time, passed, and ordered to be engrossed, and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act enabling the freemen of the town of Washington to ratify their former proceedings, was read and referred to Messrs. Ja's Fisk, Olin and Galusha.

Mr. Brigham and Mr. Ramy obtained leave of absence.

On motion,

Resolved, That a committee of three be appointed to take into consideration the propriety of the treasurer's issuing notes for the debenture of the general assembly. Members chosen, Messrs. Olin, Morris and Hay.

The house adjourned.

2 O'CLOCK, P. M.

A bill entitled an act for the relief of certain creditors of the estate of Gideon Brownson, deceased, therein named, was called up, read and referred to the next session of the general assembly.

Mr. Tarbox and Mr. Graves applied for and obtained leave of absence.

The committee to whom was referred the petition of the town of Bromley, stating, that the inhabitants of the town of Bromley, on the west side of said town, are cut off from the town of Bromley, by the Green Mountain, in any other manner except on foot, and that they could be accommodated by being annexed to the town of Dorset :— Therefore praying that their case may be considered, and relief be granted in the premises.

Made report,

That in their opinion the prayer thereof ought to be granted, and that the petitioners have leave to bring in a bill.

Which report being read, and not accepted,

On motion,

Resolved, That the petition be referred to the next session of the legislature:

A bill entitled an act directing the treasurer to pay the debt of the Legislature at their present session, was read, and

On motion,

Resolved, That the order of the house be dispensed with in regard to said bill.

It was then read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act in addition to an act laying a tax of four cents on the town of Jamaica, was returned from council concurred, and passed into a law.

The committee to whom was referred the petition of Roger Williams, made report thereon, which was read and not accepted. Whereupon,

On motion,

Resolved, That the petition be recommitted, and that three additional members be added to said committee. Members chosen, Messrs Olin, Wheatley, and Jonathan Fisk.

A bill entitled an act directing the treasurer to pay the debt of the legislature of this state, at their present session, was returned from council concurred, with proposals of amendment, which being non-concurred in by the house, Mr. Marsh was requested to wait on the governor and council, and inform them of the reasons which induced the house to adhere to their former resolution.

A bill entitled an act for establishing a turnpike corporation, by the name of the Portland turnpike company of Vermont, was read. Whereupon,

On motion of Mr. Wetherbee,

Resolved, That the corporation having fixed their gates, according to the act, shall not have it in their power to remove the same.

On motion of Mr. B. Clap,

Resolved, That the bill be so altered as that the road shall become public property, after the expiration of thirty-five years.

On motion of Mr. Morris,

Resolved, That the title of the bill be so altered as to read Northern instead of Portland turnpike.

On motion,

Resolved, That the bill be recommitted to effect the amendments proposed.

A bill entitled an act directing the treasurer to pay the debenture of the legislature of this state, at their present session ; and

A bill entitled an act altering the name of Bromley to that of Peru, were returned from council concurred, and passed into laws.

The committee to whom was referred the petition of Deborah Stone, stating, that at Hinesburg, in the county of Chittenden, in the summer of 1801, she was seduced by Ithiel Stone, of said Hinesburg, that she soon found herself pregnant, and the said Ithiel refusing to render her that justice to which she conceived herself entitled, agreeably to the laws of her country, she pursued her only remedy, by making complaint on oath before suitable authority, from whom a warrant issued, and after a full hearing the said Ithiel was bound over to the county court, where in the course of procedure, in Feb. term 1803, an order of court issued, for referees to hear and decide ; and two of said referees decided against your petitioner, and accordingly made their report to said court, at their September term 1803 ; which was accepted, and an execution issued against your petitioner, for a large bill of cost, on which she is now in confinement. Now your petitioner further says, that the said award was made on certain evidence which was exhibited unexpectedly to her, and which at that time she was unable to confute ; but that since she has discovered such proof as will clearly remove all doubts from a rational reference or court,

and therefore praying for relief in the premises, by being restored to her law, &c. made report, that the facts therein stated are not supported.

Which report was read and not accepted.

Whereupon, on motion,

Resolved, That the petition be recommitted, and that Messrs. Hunt and Shumway be added to the former committee.

Mr. Flagg obtained leave of absence for the remainder of the session.

On motion,

Resolved, That Mr. Wood be appointed in the room of Mr. Flagg, on the bill respecting coopers, and casks, &c.

Mr. Zenas Allen and Mr. H. Goodrich obtained leave of absence, during the residue of the session.

A bill entitled an act authorizing the treasurer of this state to sell certain lands therein mentioned, was read and made the order of the day for tomorrow afternoon.

A remonstrance against granting the prayer of the petition for a turnpike road from Salisbury to Brandon, was read, and by order referred to the next session of the general assembly.

A bill entitled an act to compel the managers of the Green Mountain road lottery to draw the same, or otherwise compensate the purchasers of tickets, was received from council concurred, with proposals of amendment, which being concurred in by the house, the bill became a law.

A bill entitled an act for the relief of Matthew Stanley ;

A bill entitled an act for the relief of Nathaniel Callendar ; and

A bill entitled an act laying a tax on the county of Orange ; were severally read a second time, passed, ordered to be engrossed, and sent to the governor and council for their revision and concurrence or proposals of amendment.

A bill entitled an act authorizing the administrators on the estate of Samuel Williams, Esquire, late of Rutland, deceased, to deed a certain piece of land lying in said Rutland, was read and made the order of the day for to-morrow afternoon.

A bill entitled an act in addition to, and in alteration of an act, laying a tax of four cents per acre on the town of Jamaica, passed October 28th, Anno Domini 1803, was received from council concurred, and passed into a law. *Adjourned.*

SATURDAY, FEBRUARY, 4th, 1804.

9 O'CLOCK, A. M.

The house convened, and the journals being read, Messrs. Amos Marsh and Amos Robinson obtained leave of absence for the remainder of the session.

A bill entitled an act to repeal the first section of an act to encourage the encrease of sheep, was read a second time, and on motion ordered that the said bill be dismissed.

A bill entitled an act giving to John M'Neil and Charles M'Neil equal privileges in keeping ferries across Lake Champlain, in the town of Charlotte, was read, and on motion, ordered that it be dismissed.

A bill entitled an act to amend an act granting

licences, &c. was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act to suspend civil processes against the person of Jacob Bates, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act empowering the judges of the county court of the county of Caledonia, to audit and allow certain accounts, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act to repeal part of an act entitled an act altering the time of the sitting of the supreme court of judicature, court of chancery, and county court in the county of Franklin, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act appointing a committee to establish the shire or shires for the county of Windham, was read, and on motion referred to Messrs. Allen, Whitney, and Olin.

A bill entitled an act directing the treasurer to pay Richard Skinner the sum therein mentioned, was read and referred to Messrs. Hurd, Luce, and Stevens.

The committee to whom was referred the bill entitled an act to explain the 11th section of an act entitled an act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law,

made report, that from an examination of the law to which this bill refers, they are of opinion that the explication proposed by the said bill is unnecessary, and that the law as it now stands, is, in the opinion of the committee, sufficiently defined and explicit.

Which report was read and accepted, and on motion, *Ordered*, That the bill be dismissed.

The secretary of council appeared in the house, and laid a resolution on the Clerk's table, to which the concurrence of the house was required : which resolution was as follows, viz.

Whereas the two houses appear to differ in opinion respecting the very principle of the bill entitled an act in addition to and revival of an act, entitled an act assessing a tax of two cents per acre on the town of Westford ; passed October 26, 1799 :

Therefore,

Resolved, That the house of representatives be requested to appoint a committee to confer with a committee from the council on the premises, that if possible the two houses may be mutually satisfied, as to the rectitude of the principle in question.

In council, Feb. 4, 1804. This motion brought in on motion, by Mr. Niles.

Resolved, That it be a resolution of council, and that the secretary communicate the same to the house.

Attest, WILLIAM PAGE, jun. Secretary.

Which being read, *Resolved*, That the house concur therein, and that Messrs. Painter, Hinman and Sheldon be appointed a committee accordingly.

A bill entitled an act restoring Joseph Ackley to his law ;

A bill entitled an act to enable the land holders

and proprietors of the town of Essex, to divide their lands into severalty : and

A bill entitled an act appointing a new member of a committee of a land tax on Mount-Holly ; were returned from council concurred, and passed into laws.

A bill entitled an act establishing a corporation by the name of Caledonia Turnpike Company, was read and referred to Messrs. Hay, Shumway and Wheelock.

A bill entitled an act incorporating certain persons therein named, by the name of Onion-River Turnpike Company, was read and referred to the committee on Caledonia turnpike.

The house adjourned until two o'clock.

2 O'CLOCK P. M.

The committee to whom was referred the petition of Deborah Stone, with the report of the former committee thereon, made report, that in their opinion the prayer thereof ought to be granted, and that the petitioner have leave to bring in a bill.

Which report was read and accepted, and leave given for the petitioner to bring in a bill.

A bill entitled an act for organizing two regiments of cavalry, was read and ordered to lie.

A petition of Waitsfield and Fayston, stating, that said towns are situated adjoining to each other ; that the easterly side of Waitsfield and the westerly side of Fayston, are in general mountainous rough land, not so good for cultivation as the other parts of said towns are ; that were those

towns united into one town, the petitioners apprehend it would be advantageous for both ; the westerly part of Waitsfield is good land, mostly settled, where, in case of a junction, would be a good place to erect a meeting house, or any other public building, which by being placed in Waitsfield, near the present line of Fayston, would be central to the whole, as Waitsfield is something larger than Fayston, and would well accommodate the inhabitants collectively, and being all together would be a large, and we trust a reputable town : that they apprehend, although it might not be agreeable to the legislature to divide communities, already in general too small, into still smaller, yet to join two together and make one large town, would not be objectionable : therefore praying the legislature to annex said towns together, by the name of Waitsfield. Was read, together with a remonstrance against the prayer thereof, from a respectable number of the inhabitants of Waitsfield, stating, that they felt satisfied with their present situation ; that altho' the town of Waitsfield is much damaged by the mountain running through said town, yet however much said town is damaged by said mountain, still there is a sufficient quantity of land lying in said Waitsfield, on the west side of said mountain, for a good society, and a great part of said land is already settled, a society formed, a minister settled, & a common for building ground, burying ground and other public uses laid out, and a vote of the society passed for raising a sum of money for building a meeting house, supposed to be sufficient to erect and cover it. And further stating, that if the prayer of the petition from Fayston

and Waitsfield were granted, it would not only make a great sacrifice of property to many of the present inhabitants of the town of Waitsfield, but will tend to obstruct and sap the foundation of their society privileges.

They further state, that the incorporation of said towns together, would make an extent of land lying between two mountains of six miles one way and more than eight miles the other ; which would make some of the extreme parts of said incorporation very remote, and would no doubt, lay a foundation for an after division for society privileges, as the extent of land in Fayston, on the east side of the mountain, and the extent of land in Waitsfield, on the west side of the mountain, is sufficient for two good societies.—Therefore praying that the incorporation of Waitsfield may remain as it now is.

Which being read, with the following report of the committee to whom the petition and remonstrance were referred, viz.

"The committee to whom was referred the consideration of the within petition, report, after investigating the subject, that this petition, together with the remonstrance of a number of the inhabitants of Waitsfield, in our opinion, ought to be referred to the next session of the Legislature."

Which report was accepted, and the said petition and remonstrance referred accordingly.

A bill entitled an act empowering William C. Harrington, administrator on the estate of William Coit, late of Burlington deceased, to release and convey certain lands therein mentioned, was read, with the report of the committee thereon, which

being accepted, the bill passed, was ordered to be engrossed, and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act appointing a committee to survey and lay out a public county or market road, on the south end of the Hubbardston turnpike, to meet the Lansingburgh turnpike, was read and referred to the next session of the general assembly.

A bill entitled an act laying a tax on the county of Orange ; and

A bill entitled an act to establish the jurisdictional lines of the towns of Westshire and Corinth, in the county of Orange ; were returned from council concurred, and passed into laws.

A bill entitled an act empowering the judges of the county courts for the county of Caledonia, to audit and allow certain accounts, was returned from council concurred, with a proposal of amendment, which being concurred in by the house, the bill became a law.

A messenger from council presented to the house the following resolution of that honorable body, viz.

“ In Council, February 4th, 1804.

“ On motion of Mr. Spooner, the following resolution was introduced :

“ Resolved, The house of representatives concurring therein, that the trustees of the University of Vermont be, and they are hereby required, to lay before the legislature of this state, at their next session, to be holden at Rutland, in said state, in October next, on or before the eighth day of their session, a true statement of the funds of said Uni-

verfity, together with all appropriations by them made, if any ; the quantity of lands lealed, and on what terms ; and a copy of the bye laws and regulations by them adopted for the government of faid institution for the examination and approbation of faid legiflature."

Which refolution being read, was concurred in by the houfe.

A bill entitled an act eftablifhing a corporation by the name of the Caledonia Turnpike Company, was read a fecond time, paffed, and ordered to be engroffed and fent to the governor and council for revision and concurrence, or propofals of amendment.

A bill entitled an act incorporating certain perfons therein mentioned, by the name of the Onion River Turnpike Company, was read and referred to the next feffion.

A bill entitled an act for the relief of Deborah Stone, was read and made the order of the day for Monday morning.

The committee to whom was referred the petition of William Briant, ftating, that he is now a prifoner in the common goal in Woodftock, in the county of Windfor, by order and fentence of the fupreme court, holden at Burlington, in and for the county of Chittenden, by adjournment, on the third Monday of June, Anno Domini, 1803, to compel him the faid Briant to pay a fine of five dollars and cofts of profecution, to the amount of forty eight dollars and feventy two cents. The crime of which your petitioner was convicted is theft ; and the petitioner fays he is unable, at this time, to pay faid fine and coft, or any part thereof.

Therefore praying a special act in his favor, therein directing the sheriff of Windsor county, to discharge the said Briant from his imprisonment, on his procuring some sufficient person to execute a note with him the said Briant, to the treasurer of the state, to pay him the sum of fiftythree dollars & seventy two cents, in three years from the time of such discharge; this sum being the amount of said fine and cost. And also, that another special act may be passed in his favor, thereby restoring him to the same privileges that poor debtors have by law in this state, when imprisoned for debt, damages or costs, recovered in actions founded on contract, that he may be admitted to the poor debtors oath, the same as if he had not been convicted of said crime—made report, that the prayer of said petition ought so far to be granted, as that he be discharged from imprisonment, on giving good security to the treasurer of this state, for the payment of said fine and cost in three years.

Which report was read and accepted.

Whereupon,

A bill entitled an act for the relief of William Briant, was read and ordered to lie on the table.

The committee to whom was referred the petition of Samuel Hitchcock and others, praying for a turnpike road from the court house in Middlebury to the court house in Vergennes, upon such condition, and under such regulations as to the legislature shall seem meet, made report, that the same be referred to the next session of the legislature.—Which report was read and accepted.

The committee to whom was referred the petition of Matthew Stanley, of Tunbridge, stating,

that the wife of Luke Miner, of said Tunbridge, was complained of by a grand juror of said county, for petit larceny, and the petitioner became recognized for her appearance before the supreme court in due form of law, in the sum of fifty dollars, and the said wife not surrendering herself in discharge of said recognizance, he became liable therefor, and was sued thereon. and execution issued accordingly, upon which he was committed, and his brother, Matthew Stanley, was induced from motives of humanity to release him by executing his note to the suitable authority, for sixty-six dollars and sixty two cents, including debt and cost. That as the debt was in favor of the state he could not avail himself of the poor man's oath, as in any other case he could, conscientiously ; and in justice to his wife and a numerous family should absolutely have done : Therefore praying for relief in the premises—Made report, that the facts stated appear to be true, and that the prayer of the petition ought so far to be granted, as that the treasurer be directed, or the states attorney of the county of Orange in behalf of the treasurer, to cancel fifty dollars on the within mentioned obligation, and that the petitioner have leave to bring in a bill accordingly.

Which report was read and accepted. Whereupon,

A bill entitled an act for the relief of Matthew Stanley of Tunbridge, was read, and the rule being dispensed with for its lying on the table, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

The house adjourned until Monday morning.

MONDAY, FEBRUARY 6th, 1804.

9 O'CLOCK, A. M.

THE house met pursuant to adjournment.

The journals of Saturday being read,

Mr. Qlin, on motion, brought forward the following :

Resolved, That the state printer be, and he is hereby directed, to print 500 copies of the journals of the last and present sessions of the general assembly, and likewise one thousand copies of the laws passed the present session of the legislature, as soon as may be. — Which passed into a resolution of the house.

The committee to whom was referred the petition of Mary Whitney, stating that she is an aged and distressed widow ; that the providence of God deprived her of the support of a tender husband, a short period past in a sudden and affecting manner ; that her eldest son, by sickness, is reduced to a state of partial idiotism ; that her industry has kept him from being burthensome to community hitherto, but that she has reason to apprehend unless the interference of the legislature prevents, both herself and unfortunate child must become town charges. That the assistance she prays for is this, viz. that whereas her younger son George Whitney, from the influence of bad example and the indiscretion of youth, was lead into dreadful enormity of conduct, which issued in his being sentenced for the crime of manslaughter, to the endurance of four months imprisonment, and the payment of a heavy fine ; that from his and your petitioner's inability to pay that fine, he endured a long and dis-

resting imprisonment, after the term inflicted by his sentence had expired ; that his fine being remitted by the hon. Council, during the last session of the Legislature, did not effect his enlargement, from his total inability to pay the cost of trial and gaol charges, amounting to a heavy sum ; that maternal tenderness operating on her mind, in favor of a distressed son, induced your petitioner to pledge her little all to the sheriff, for the relief of a dear though guilty child, and his release was by that means effected. She therefore implores your honors to grant her assistance by directing the sheriff of Bennington county to cancel the said charges, now existing against her unhappy, guilty, but she hopes, repentant child—made report, that the facts set forth in the petition are true, and in their opinion the prayer thereof ought to be granted.

Which report was read and accepted, and leave granted for the petitioner to bring in a bill.

Whereupon,

A bill entitled an act for the relief of George Whitney, was read, and on motion,

Ordered, That the said bill be dismissed.

A bill entitled an act for the relief of Deborah Stone, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

On motion,

Resolved, That the committee appointed for the purpose of distributing the laws of the last session to the several members of this house, be appointed to distribute the proclamations for a day of fasting and prayer, and to join such committee as council may appoint for that purpose.

A bill entitled an act enabling the inhabitants of Washington, in the county of Orange, to ratify their former proceedings, was read a second time, passed, ordered to be engrossed, and sent to the governor and council for their revision and concurrence or proposals of amendment.

On motion, the following resolution was presented to the house by a member.

Resolved, The governor and council concurring therein, that the unfinished business depending before the council and general assembly be, and the same is hereby referred to the next session of the legislature.

Which resolution passed, and Mr. Fasset was requested by the house, to carry the same to the governor and council for their concurrence.

A bill entitled an act in addition to and explanation of an act, entitled an act constituting the supreme court, defining their powers, and regulating judicial proceedings, was called up, read, and on motion referred to Messrs. Olin, Morris, and Ja's Fisk.

A bill entitled an act organizing certain regiments of cavalry therein mentioned, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act uniting certain parts of the towns of Pomfret and Hartford into one school district, was read a second time, passed, and ordered to be engrossed, and sent to the governor and council, for revision and concurrence or proposals of amendment.

A bill entitled an act establishing a corporation

by the name of the northern turnpike of Vermont, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

On motion of Mr. Morris,

Resolved, That a committee consisting of one member from each county be appointed, to receive and pay out the debt of the house. Members chosen, Messrs. Baker, S. Porter, P. Smith, James Smith, Silas Wright, Joshua Bayley, T. Tuttle, Edson, Beeman, Olds and Wetherbee.

A bill entitled an act appointing a committee to lay out a county road from Chelsea court-house to Norwich, was read twice, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act appointing a committee to lay out a road from White-River through Randolph to Williamstown, was read, and on motion,

Ordered, That it be referred to the next session of the legislature.

Mr. Ferguson applied for and obtained leave of absence for the remainder of the session.

On motion of Mr. Potter, the vote for laying over the bill entitled an act incorporating certain persons named, into a corporation, by the name of Onion-River Turnpike Company, for the consideration of the legislature at their next session, was rescinded. Whereupon,

A bill entitled an act incorporating certain persons named, into a corporation by the name of Onion-River Turnpike Company, was read a sec-

and time, and on the question, shall the bill pass, be engrossed, and sent to the governor and council for revision and concurrence, or proposals of amendment? The yeas and nays being demanded, were,

YEAS—Messrs. Bigelow, Shumway, R. Anderson, Whitney, Hurd, S. Porter, E. Allen, Castle, Hunt, Douglass, Stevens, Morris, Spooner, B. Emmons, Stoughton, Webber, Larrabee, Peters, Sexton, James Fisk, J. Dana, Hazletine, E. Hammond, Paine, Wheatley, T. Tuttle, Rich, Corfe, Bliss, Leavenworth, Putnam, Spaulding, Brownson, Isham, T. Allen, N. Robinson, (of Stow,) Phelps, Palmer, Fisher, S. Chamberlin, M'Umbert, I. Fisk, Woodworth, Blanchard, Edson, Morrill, Holmes, Fassett, Peckham, Eaton, Pomeroy, Hinman, Chapin, T. H. Parker, Stanley, R. Parker, Underhill, Taylor, Olds, D. Dana, Beech and Wheelock.

NAYS—D. Sheldon, E. Bayley, Galusha, Shafter, Bullock, Mazzy, Bishop, Jewett, A. Perry, Roberts, Nash, Vail, Church, J. Anderson, Wood, J. Hammond, Sargeant, Hendee, Eddy, Crutten-den, Miller, W. Marsh, Ives, Francis, B. Clap, Williams, Leland, Luce, Lewis, Briggs, Emerson, Simons, Segar, Kitchel, Hawley, Foot, Olin, Fuller, Pond, Brown Hubbard, Hutchinson, E. Chamberlin, M'Laughlin, Jonathan Fisk, Peasley, Isham, Potter, Chittenden, Butler, Reynolds, Hutchins, S. Emmons, Wetherbee, D. Tuttle, Baker and Noyes.

So it passed in the affirmative, yeas 62, nays 57; and the bill was ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

On motion,

Resolved, That the house at this time proceed to the choice of an auditor of accounts in the treasury department, when the ballots being taken, David Wing, Jun. Esq. was duly elected.

A bill entitled an act against disturbing the remains of the dead, was returned from council concurred, and passed into a law.

A bill entitled an act in amendment of, and in addition to an act, directing the mode of obtaining licenses, regulating inns, and houses of public entertainment ;

A bill entitled an act for the relief of Matthew Stanley of Tunbridge ; and

A bill entitled an act empowering William C. Harrington, administrator on the estate of William Coit, late of Burlington deceased, to release and convey certain lands therein mentioned, were received from council concurred, and severally passed into laws.

A bill entitled an act incorporating certain persons therein mentioned, by the name of the Weathersfield turnpike company, was received from council concurred, with proposals of amendment, which being concurred in by the house, the bill became a law.

The committee to whom was referred the bill entitled an act directing the treasurer of this state to pay Richard Skinner the sum therein mentioned, made report, that the same be referred to the next session of the legislature.

Which report was accepted, and the bill accordingly referred.

A bill entitled an act to authorize the supreme court to empower guardians to sell the real estate

of their wards, was returned from council concurred, with proposals of amendment, which being concurred in by the house, the bill became a law.

The committee to whom was referred the petition for the grant of a turnpike from Wells river in Newbury, in the county of Orange, thro' Ryegate, Barnet, St. Johnsbury, Lyndon and Sheffield, in the county of Caledonia, Barton, Brownington, Coventry and Derby, in the county of Orleans, to Canada line ; made report, that it does not appear that the petitioners have complied with the law, in notifying the inhabitants through the district where said road is prayed for : therefore they are of opinion that the said petition ought to be referred to the next session of the general assembly, and that the petitioners be directed to publish the same as the law directs.

Which report was read and accepted, and the petition referred accordingly.

The committee appointed on the petition from Barnet, stating, that a new road leading from the mouth of Wells river in Newbury, in the county of Orange, through Ryegate and Barnet, by or near the meeting house in said Barnet, and through the east part of Peacham and Deweysburgh, to Davis's mills, in Danville, then to meet the county road at the courthouse in said Danville, in Caledonia county, or by the meeting house in said Danville, to meet the county road at Mr. Ephraim Blunt's in Danville aforesaid, would, in the opinion of the petitioners, be a better road than any now in use, leading to Danville aforesaid, and several miles nearer than the road now travelled. Therefore praying for the appointment of a disinterested commit-

tee to lay out said road, &c. made report, that in their opinion the prayer thereof ought not to be granted, and that the petitioners have leave to withdraw their petition.

A bill entitled an act incorporating certain persons therein named, by the name of Randolph Turnpike Company, was read and referred to the next session.

The house adjourned until two o'clock P. M.

2 O'CLOCK P. M.

The house convened agreeably to adjournment.

A bill entitled an act to suspend civil process against the person of Jacob Bates, was returned from council concurred, with certain proposals of amendment ; which being concurred by the house the bill became a law.

A bill entitled an act relieving Nathaniel Candler from a bill of cost therein mentioned, was returned from council concurred, with certain proposals of amendment ; which being concurred in by the house, the bill became a law.

A bill entitled an act in addition to an act, entitled an act laying a tax on the several towns therein mentioned, passed November 8th, 1800, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act laying a tax of two cents per acre on the town of Derby, was read a second time, passed, and ordered to be engrossed and sent to the governor and council for revision and concurrence, or proposals of amendment.

A bill entitled an act authorizing the treasurer of this state to sell certain lands therein mentioned, was returned from council concurred, and passed into a law.

A bill entitled an act to incorporate a third Medical Society in the state of Vermont, was returned from council concurred, with certain proposals of amendment, and being concurred by the house, passed into a law.

A bill entitled an act in addition to an act entitled an act regulating town meetings and the choice and duty of town officers, was returned from council concurred, with certain proposals of amendment ; which being read,

On motion,

Resolved, That the said bill be referred to the consideration of the legislature at their next session.

A bill entitled an act laying a tax of two cents per acre on the town of Philadelphia, was called up, read and referred to the consideration of the legislature at their next session.

On motion of Mr. Olin,

Resolved, That the clerk be directed to enter on the journals of this house, the mileage as given in by the members thereof.

The committee appointed on the petition of Justus Bellamy, stating, that from his youth up he had been accustomed to industry, and inured to hard labor and misfortune ; that he has struggled with adversity, endeavoring to obtain a support for himself and numerous family by the sweat of his brow, and not by idle speculation ; that various unforeseen unfortunate events, have disappointed his well founded expectations, rendered him

unable to meet his contracts, involved him in law suits, left him a prey to the attorney, plunged him into prison, and left his family to suffer in penury. That most of his creditors are willing to give him a time to retrieve his affairs ; but so it is, that the moment your petitioner prepares a morsel of bread, the lawyer and sheriff snatch it from the lips of his industrious family, and the hard earned shilling saved for an honest creditor, glides into the pocket of him who calmly sits scribbling the destruction of the unfortunate debtor. That he believes could he but two years be relieved from lawyers and sheriffs, he could pay every honest debt he owes, with interest ; but if he is still prosecuted and persecuted, he must spend the remainder of his days in prison, and leave his family in want. Your petitioner therefore most humbly prays, that an act may be passed, freeing his body and property from arrest, for the term of two years. Made report, that the same be referred to the next session of the legislature ; and that Justus Bellamy may give notice to his creditors, by publication or otherwise, to attend and shew cause, why the prayer of said petition should not be granted.

Which report was read and accepted, and the petition referred accordingly.

A bill entitled an act for the relief of William Briant, was returned from council concurred, and passed into a law.

A bill entitled an act making appropriation for the payment of the debenture of the legislature of this state, during the present session, including the contingent expences thereof, was returned from council concurred, and passed into a law.

A bill entitled an act for the relief of Deborah Stone, was returned from council concurred, and passed into a law.

A bill entitled an act in addition to an act entitled an act laying a tax on the several towns therein mentioned, passed Nov. 8, 1803, was returned from council concurred, and passed into a law.

A bill entitled an act establishing a corporation by the name of the northern turnpike company of Vermont, was returned from council concurred, with certain proposals of amendment, which being concurred in by the house, the bill became a law.

A bill entitled an act in addition to an act entitled an act assessing a tax of two cents per acre on the town of Westford, passed Oct. 26, 1799, was returned from council concurred, with certain proposals of amendment, which not being concurred by the house— On motion,

Resolved, That the said bill be referred to the next session of the legislature.

A bill entitled an act uniting part of the towns of Pomfret and Hartford into a school district, was returned from council concurred, and passed into a law.

A bill entitled an act laying a tax of two cents per acre on the town of Derby, was returned from council concurred, with certain proposals of amendment; which being concurred in by the house, the bill became a law.

A bill entitled an act establishing a corporation, by the name of the Caledonia Turnpike Company, was returned from council concurred, with certain proposals of amendment; which being concurred by the house, the bill became a law.

A bill entitled an act enabling the inhabitants

of the town of Washington to ratify their former proceedings, was returned from council concurred, with certain proposals of amendment, which obtaining the concurrence of the house, the bill became a law in due form.

The committee to whom was referred the petition of the inhabitants of Groton, stating, that by reason of the great extent of the roads in said town, the inhabitants are not capable, with their labor required by law, and voluntary exertions, to keep them in repair; that their roads are dangerous, and must continue so without legislative aid; that there has been but two road taxes in said town, one for making the first roads and bridges, and the other for the purpose of making a county road from Danville to Chelsea through said town, and no assistance granted to repair the common roads: therefore praying for the grant of a tax of three cents per acre, on each acre of land in the said town, public rights excepted, for the purpose of repairing roads and bridges in said town—made report, that in their opinion the same ought to be referred to the next session of the legislature: which report was read and accepted, and the petition was referred accordingly.

The committee to whom was referred the petition of a number of the inhabitants of West Fairlee, stating, that there is an uncommon extent of road laid, and necessary to be laid in said town, the making and repairing of which involves great expence, rendered necessary by the nature of the lands through which said roads are, and must necessarily be laid: whereupon they pray for the grant of a tax of three cents per acre, on the lands in said town,

public lands excepted—made report, that the same ought to be referred to the next session of the legislature.—Which report was accepted, and the petition referred accordingly.

The committee appointed on the petition of James Danley, stating his services and losses and misfortunes in the late revolutionary war, and his present distresses by visitation of fire, and praying for the grant of a lottery ; made report, that altho' the facts therein stated may be true, yet taking into consideration the ill success of lotteries, in general, in this state, and especially one recently granted, are of opinion that the prayer thereof ought not to be granted. Which report was read, and,

On motion, *Ordered*, That the petition be referred to the legislature at their next session.

The committee to whom was referred the petition of Amos Marsh, praying for a grant of a turnpike road from Burlington to Vergennes, and from thence to meet the turnpike in the state of New-York ; made report, that the same be referred to the next session of the general assembly.

Which report was read and accepted, and the petition referred accordingly.

The committee to whom was referred the petition of Moses Jeffords, of Williamstown, stating, that your petitioner resides in the extreme part of said Williamstown, at such a distance from any school, or the centre of any school district in said town, that he does not now, nor probably ever can enjoy any advantage of the schools in said town or district. That he lives contingent to a school district in the town of Northfield, where he might enjoy all the advantages of schooling, was he by

law annexed to the same ; therefore praying to be annexed to said Northfield accordingly : made report, that in their opinion the prayer of said petition ought not to be granted. Which report was read and accepted, and leave granted to the petitioner to withdraw his petition.

● The committee to whom was referred the resolution brought forward by Mr. Hay, respecting the acceptance of appointments, which after acceptance would render the holder of them ineligible to a seat in the house ; made report, that in their opinion the following rule ought to be annexed to the standing rules of this house, viz.

“ Whenever any person, a member of this house, shall be elected to any office, the acceptance of which will vacate his seat in the general assembly, such member shall be under obligation, within three days after such election, to declare his acceptance or declention of said office. Which was read, and

On motion, *Resolved*, That it be referred to the next session of the legislature.

A bill entitled an act directing listers in their office and duty, was read as reported after recommitment, and on motion referred to the next session of the legislature.

A bill entitled an act appointing a committee to establish the shire or shires in the county of Windham, was read, and on motion,

Resolved, That it be referred to the next session of the general assembly.

The committee to whom was referred the petition of the select men of Windham, stating, that the township of Kent was formerly owned by col. James Rogers, that in the year 1777 said Rogers

left this state and joined the British troops, and that in the year 1780, the assembly of Vermont made a grant of said township of Kent to a committee of trust, to sell and convey the avails thereof into the treasury of this state, by the name of Londonderry. That the said committee by order of the surveyor general, had the aforesaid town surveyed, and a field book thereof made, and with the consent of the said committee of trust, the inhabitants of said town chose a committee to pitch the public lands, belonging to said town, by charter; which said committee complied with their appointment, and pitched certain lots defined in said petition, and made report of their doings to the town, which was accepted, but no record was ever made by the town clerk, but was entered by the committee of trust on the plan of said town, and said lots were ever considered as the public rights in the east part of Londonderry; which was one equal half of the public land, allowed by charter to said Londonderry; and your petitioners further state, that in the year 1795 a transfer was made by the legislature of this state from said committee of trust to James Rogers, son of the aforesaid col. Rogers, of all the lands that were then unsold in said Londonderry, public rights excepted. And further stating, that at the aforesaid session, viz. at Windsor aforesaid, in the year 1795, the east part of Londonderry, together with a gore adjoining, was incorporated into a town by the name of Windham, and that some time since the select men of Windham did, by virtue of an act of the legislature of this state, actually take possession of and lease out part of said public lands, not doubting or mistrust-

ing the validity of their right or title, which we wish your honors to authenticate, by passing a law to establish the original pitches—Made report, that the same be laid over to the next session of the assembly.

Which report was read and accepted, and the petition referred accordingly.

The committee to whom was referred the petition of the inhabitants of Morristown, stating, that esquire Dunham did, without the knowledge of the inhabitants of said Morristown, and contrary to their wishes, cause to be recommended a person who lives in another town, for a collector of the land tax of Morristown, for making and repairing roads, granted at the last session of the legislature at Westminster; and because the inhabitants shewed some dislike to esquire Dunham's proceedings, and appointed a meeting that they might fully know the minds of the people, esquire Dunham was highly offended, and besides threatening that not a man in the town should have liberty to work out his own tax, unless they did the work in the months appointed for proprietors, if the tax was worked out; but he would go to the assembly and upset the whole, and we should have no tax if it was in his power to prevent.

And for the sake of peace and the public good, praying that Micajah Dunham, Esq. may be dismissed from being one of the committee, and Elisha Boardman, Esq. appointed in his room; and recommending Jacob Walker to the appointment—made report, that the facts are so far true as respects the collector living out of town, but are of opinion the prayer ought not to be granted.

Which report was read and accepted, and leave granted to the petitioners to withdraw their petition.

The committee to whom was committed the petition of Azarias Williams and others, for the grant of a lottery, for erecting a bridge over Connecticut-River, at the twenty mile falls, so called —made report, that in their opinion the prayer of the petition ought to be granted, and that the petitioners have leave to bring in a bill accordingly. Which report being read, on motion,

Resolved, That the further consideration of said petition be referred to the legislature at their next session.

The committee to whom was referred the bill, entitled an act in addition to, and in explanation of an act, constituting the supreme court, &c. made the following report, that the consideration of the within bill, and the amendments accompanying the same, ought to be referred to the next session of the general assembly. Which report was read and accepted, and the bill referred accordingly.

The committee to whom was referred the petition of John Shumway and others, inhabitants of the towns of Dorset and Manchester, stating, that a number of said inhabitants had mutually agreed to raise a sum of money for the purpose of building an academy, or public grammar school house, on that tract of land formerly known on the proprietors records by the name of Underhill's grant, and having subscribed a sum which they deem sufficient for the erection of said building, they pray that they may be incorporated into a body politic, for the purpose of carrying their intentions

into effect—made report, that in their opinion the further consideration thereof, ought to be referred to the next session of the legislature.

The committee to whom was referred the bill entitled an act relating to coopers, and the making and vending of casks; the bill referred from the last session, entitled an act respecting boards, shingles, &c. and a resolution brought forward by Mr. Hay, relative to the same—made report, that said bills and resolution ought to be referred for the consideration of the legislature at their next session.

On motion,

Resolved, That all unfinished business on the table of the house, be referred to the next session, in the state in which it now stands.

THE END.

DEBENTURE

OF THE ADJOURNED SESSION OF THE

GENERAL ASSEMBLY,

COMMENCING JANUARY 26TH, AND

ENDING FEBRUARY 6TH,

A. D. 1804.

BENNINGTON COUNTY.

Members.	Miles.	Fee.	Days.	Pay.	Amount.
Jonathan Baker,	76	9,12	12	18	27,12
Nathan Robinson,	90	10,80	5	7,50	18,30
Reuben Bigelow,	40	4,80	12	18	22,80
John Shumway,	65	7,80	12	18	25,80
Robert Anderson,	62	7,44	12	18	25,44
Solomon Wright,	96	11,52	8	12	23,52
David Sheldon,	70	8,40	12	18	26,40
Elijah Bayley,	78	9,36	12	18	27,36
Jacob Galusha,	82	9,84	12	18	27,84
Richard Hurd,	79	9,48	12	18	27,48
Bethuel Finney,	110	13,20	8	12	25,20
Edmund Graves,	71	8,52	9	13,50	22, 2
Jacob Hale,	50	6,00	12	18	24
Daniel Tuthill,	37	4,44	12	18	22,44
					345,72

WINDHAM COUNTY.

Members.	Miles.	Fee.	Days.	Pay.	Amount.
James Shafter,	36	4,32	12	18	22,32
Lemuel Whitney,	50	6,00	12	18	24
Samuel Porter,	46	5,52	12	18	23,52
John Noyes,	62	7,44	12	18	25,44
John B. Wheeler,	30	3,60	9	13,50	17,10
Darius Bullock,	63	7,56	12	18	5,56
Benjamin Muzzy,	45	4,40	11	16,50	20,90
John Aikin,	33	3,96	8	12	15,96
Sylvester Bishop,	62	7,44	12	18	25,44

Ebenezer Allen,	50	6,00	12	18	24,
Daniel Jewett,	44	5,28	12	18	23,28
Levi Sabin,	26	3,12	6	9	12,12
Ephraim Wheelock,	43	5,16	12	18	23,16
Arad Hunt,	56	6,72	12	18	24,72
Ephraim Ranny, Jun.	32	3,84	9	13,50	17,34
Abner Perry,	56	6,72	12	18	24,70
James Roberts,	68	8,16	12	18	26,16
Timothy Castle,	70	8,40	12	18	26,40

 402,14

RUTLAND COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay</i>	<i>Amount.</i>
Reuben Nash,	70	8,40	12	18	26,40
Samuel Shaw,	55	6,60	8	12	18,60
John Cowee,	54	6,48	12	18	24,48
Edward Vail,	55	6,60	12	18	24,60
Oliver Church,	67	8,04	12	18	26, 4
Theophilus Flagg,	60	7,20	8	12	19,20
John Anderson,	54	6,48	12	18	24,48
Nathaniel Wood, Jun.	56	6,72	12	18	24,72
Jedediah Hammond,	32	3,84	12	18	21,84
Pliny Smith,	75	9,00	12	18	27,
John Sergeant,	65	7,80	12	18	25,80
Caleb Hendee, Jun.	53	6,36	12	18	24,36
Timothy Cruttenden,	64	7,68	12	18	25,68
Timothy Miller,	66	7,92	12	18	25,92
William Marsh,	33	3,96	12	18	21,96
Zenas Allen,	50	6,00	9	13,50	19,50
Lent Ives,	46	5,52	12	18	23,52
Simon Francis,	65	7,80	12	18	25,80
Isaac Eddy,	50	6,00	5	7,50	13,50
Benajah Douglass,	63	7,56	6	9	16,56

 459,96

WINDSOR COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Nehemiah Noble,	33	3,96	12	18	21,96
Benjamin Clapp,	27	3,24	12	18	21,24
Phinchas Williams,	22	2,64	12	18	20,64

Aaron Leland,	22	2,64	12	18	26,64
James Smith,	18	2,16	12	18	20,16
Elihu Luce,	5	,60	12	18	18,60
William Perry,	15	1,80	12	18	19,80
David Lewis,	23	2,76	12	18	28,76
Hezekiah Goodrich,	24	2,88	9	13,50	16,38
Afa Briggs,	20	2,40	12	18	20,40
Joseph Perry,	16	1,92	12	18	19,92
Elias Stevens,	30	3,60	12	18	21,60
Enoch Emerson,	44	5,28	12	18	23,28
Elias Jones,	12	1,44	12	18	19,44
Lewis R. Morris,	13	1,56	12	18	19,56
Joel Marsh,	25	3,	9	13,50	16,50
Alden Spooner,			12	18	18,
Benjamin Emmons,	15	1,80	12	18	19,80
Nathaniel Stoughton,	11	1,32	12	18	19,32
Alvin Simonds,	32	3,84	12	18	21,84
Norman Webber,	40	4,80	12	18	22,12

 427,96

CHITTENDEN COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Thaddeus Tuttle,	110	13,20	12	18	31,20
Jabez Jones,	85	10,20	12	18	28,20
Samuel Rich,	108	12,96	12	18	30,96
Ebenezer Corfe,	75	9,00	12	18	27,
Timothy Bliss,	104	12,48	12	18	30,48
Nat'l Leavenworth, jr.	108	12,96	12	18	30,96
James A. Potter,	107	12,24	12	18	30,24
Seth Putnam,	65	7,80	12	18	25,80
Wright Spaulding,	77	9,24	12	18	27,24
Joel Brownson,	88	10,56	12	18	28,56
Joshua Isham,	114	13,68	12	18	31,68
Timothy Allen,	120	14,40	12	18	32,40
Nathan Robinson,	90	10,80	12	18	28,80
Udney Hay,	106	12,72	12	18	30,72
Giles Chittenden,	98	11,76	12	18	29,76
Ezra Butler.	75	9,00	12	18	27,
Bissel Phelps,	65	7,80	10	15	22,80
Joshua Stanton, Jun.	107	12,84	7	10,50	23,34

 516,64

ADDISON COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Gideon Seger,	89	10,68	12	18	28,68
Phineas Kitchel,	85	10,20	12	18	28,20
Robert Hawley,	85	10,20	12	18	28,20
David Foot,	81	9,72	12	18	27,72
Henry Olin,	65	7,80	12	18	25,80
Ebenezer Durfey,	95	11,40	12	18	29,40
Gamaliel Painter,	76	9,12	11	16,50	25,62
Elisha Fuller,	82	9,84	12	18	27,84
Silas Pond,	90	10,80	11	16,50	27,36
John S. Larrabe,	82	9,84	12	18	27,84
Reuben Sexton,	70	8,40	12	18	26,40
John Ferguson,	98	11,76	12	18	29,76
Amos Marsh,	90	10,80	5	7,50	18,30
Silas Wright,	81	9,72	12	18	27,72
David Brown,	69	8,28	12	18	26,28

 405,6
ORANGE COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Andrew B. Peters,	42	5,04	12	18	23,4
James Fisk,	61	7,32	12	18	25,32
Eleazer Hubbard, Jun.	60	7,20	12	18	25,20
John Hutchinson,	45	5,40	6	9	14,40
Josiah Dana,	44	5,28	12	18	23,28
Samuel Hazletine,	47	5,64	12	18	23,64
Joshua Bayley,	52	6,24	12	18	24,24
Amos Robertson,	56	6,72	10	15	21,72
John Stacy,	58	6,96	12	18	24,96
James Tarbox,	43	5,16	7	10,50	15,66
Asahel Chamberlin,	32	3,84	12	18	21,84
Elijah Hammond	32	3,84	12	18	21,84
Seth Paine,	35	4,20	12	18	22,20
H. E. G M Laughlin,	56	6,72	12	18	24,72
Thomas Porter,	42	5,04	12	18	23,04
Jonathan Fisk,	56	6,72	12	18	24,72
Daniel Peasley,	55	6,60	12	18	24,00
Nathaniel Wheatly,	45	5,40	12	18	23,40
Elisha Thayer,	41	4,92	12	18	22,92

 430,74

(▼)

CALEDONIA COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Gershom Palmer,	75	9,00	12	18	27,
Joseph Fisher,	84	10,08	11	16,50	26,58
Samuel Chamberlin,	85	10,20	12	18	28,20
Jonathan Macomber,	72	8,64	11	16,50	25,14
Isaiah Fisk,	94	11,28	11	16,50	27,78
Joseph Woodworth,	70	8,40	12	18	26,40
Reuben Blanchard,	72	8,64	12	18	26,64
Bradford Kinne,	65	7,80	12	18	25,80
John Cameron,	63	7,56	12	18	25,56
Nathaniel Edson,	80	9,60	12	18	27,60
Joseph Armington,	76	9,12	12	18	27,12
Nathaniel Farrington,	86	10,32	12	18	28,32
Alexander Harvey,	68	8,16	12	18	26,16
Abraham Morrill,	93	11,16	6	9	20,16
					368,46

FRANKLIN COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Elisha Reynolds,	150	18,00	12	18	36,
Jonas Brigham,	122	14,64	8	12	26,64
Elias Fasset,	110	13,20	12	18	31,20
Stephen House,	150	18,00	9	13,50	31,50
Joseph Beeman, jr.	130	15,60	12	18	33,60
Hubbard Barlow,	137	16,44	12	18	34,44
Lemuel Scott,	115	13,80	7	10,50	24,30
Benjamin Holmes,	120	14,40	12	18	32,40
Samuel Peckham,	140	16,80	12	18	34,80
Samuel Eaton, jr.	120	14,40	12	18	32,40
Joshua Clapp,	148	17,76	9	13,50	31,26
Nat'l Hutchins, jr.	134	16,08	12	18	34,08
Jonathan Janes,	150	18,00	8	12	30,00
Seth Emmons,	145	17,40	12	18	35,40
Seth Pomeroy,	137	16,44	7	10,50	26,94
					474,96

ORLEANS COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Jonathan Allyn,	105	12,60	6	9	21,60
Timothy Hinman,	120	14,40	12	18	32,40
Thomas H. Parker,	110	13,20	12	18	31,20
Timothy Stanley,	92	11,04	12	18	29,94
Ralph Parker,	102	12,24	11	16,50	28,74
Stephen Underhill,	134	16,08	12	18	34, 8
Thomas Taylor,	100	12,00	11	16,50	28,50
Jesse Olds,	150	18,00	12	18	36
Luther Chapin,	125	15,00	7	10,50	25,50
					267,00

ESSEX COUNTY.

<i>Members.</i>	<i>Miles.</i>	<i>Fee.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Samuel Wetherbee,	84	10,08	12	18	28,08
Joseph Herrick,	120	14,40	12	18	32,40
Mills De Forest,	140	16,80	12	18	34,80
Haines French,	120	14,40	11	16,50	30,90
Gaius Kibbe,	133	16,20	12	18	34,20
Samuel Beach,	150	18,00	10	16,50	34,50
Daniel Dana,	100	12,00	6	9	21,
					215,88

OFFICERS OF THE HOUSE.

<i>Names.</i>	<i>Miles.</i>	<i>Fees.</i>	<i>Days.</i>	<i>Pay.</i>	<i>Amount.</i>
Abel Spencer, <i>Speaker,</i>	45	5,40	6	15	20,40
David Wing, jun. <i>Sec. of State,</i>	67	8,04	12	30	38,04
Anthony Haswell, <i>Clerk,</i>	90	10,80	12	30	40,80
Th. Tolman, <i>Engrossing Clerk,</i>	93	11,16	12	30	41,16
Rev. Sidney Willard, <i>Chaplain,</i>			12	18	18
Stephen Conant, <i>Deputy Sheriff,</i>			12	18	18
Nathan Mills, <i>do.</i>			12	18	18
Benjamin Cady, <i>Doorkeeper,</i>			12	18	18
Benj. Emmons, jun. <i>Auditor,</i>	15	1,80	12	18	19,80
					232,20

AGGREGATE.

<i>Counties.</i>	<i>Amount.</i>
Bennington, - - - - -	345.72
Windham, - - - - -	402.14
Rutland, - - - - -	459.96
Windsor, - - - - -	427.96
Addison, - - - - -	405.06
Orange, - - - - -	430.74
Chittenden, - - - - -	516.64
Caledonia, - - - - -	368.46
Franklin, - - - - -	474.96
Orleans, - - - - -	267.06
Essex, - - - - -	215.88
Officers of the House, -	232.20
TOTAL,	4,546.78